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The Week

THE new Anglo-Italian agreement was the most important foreign development during the week ending January 4. Some of its terms are still secret and its total effect therefore cannot be predicted at this time. The provisions published guarantee free movement through the Mediterranean for both powers and the maintenance of the territorial status quo in the entire area, including Spain. Mussolini has apparently agreed to cease aiding the Spanish rebels only if the policy of non-intervention can be made watertight—which everyone knows it cannot and will not. . . . No success could be reported during this week in the attempt to get Hitler, partly through bullying and partly through bribery, to drop his interference in Spain. German warships began what was described as a fixed policy of seizing merchant ships of the Spanish government. . . . In the actual fighting in the Spanish peninsula, the advantage continued heavily with the loyalist forces. . . . In China, the topsy-turvy comedy of Chiang and Chang continued on its appointed course. Chang was sentenced to ten years' imprisonment and then, as everyone had expected, was released with a full pardon. . . . With the ending of the last agreements for naval limitations, on December 31, the predicted race in battleship building began among all the signatory powers. . . . The Indian National Congress met and indicated its continuing opposition to the compromise British plan for the government of India, which goes into effect next spring. . . . As the ship carrying Leon Trotsky came nearer to its Mexican destination, opposition to his residence in Mexico, on the part of orthodox Communist groups, increased.

THE strike among workers in several General Motors plants dominated the domestic news during the week ending January 4. The United Automobile Workers of America, a CIO union, created a board of strategy authorized to call a nationwide strike if General Motors continued its policy of refusing to treat with the union on a national scale. About 40,000 men were already engaged in strikes, mostly of the "sit-down" variety, in Flint, Michigan, and elsewhere, and company officials indicated that unless these strikes were quickly ended, the lack of materials would soon cause 135,000 workers to be laid off. . . . As the seamen's strike ended its third month, the United States Maritime Commission announced it lacked legal authority to force a settlement. . . . Members of the Seventy-fifth Congress prepared for its first session, with a long list of urgent items of legislation, headed by new appropriations for relief, another neutrality law and proposals that would take the place of the invalidated labor sections of the NRA. . . . The State Department created a sudden vast uproar over a proposed shipment to Spain of airplanes and parts valued at $2,700,000, and Washington observers promptly interpreted this as propaganda favoring discretionary powers for the President in the new neutrality law. . . . As the unemployment-insurance provisions of the Social Security Law went into effect, the American Association for Social Security made public a series of vitally necessary revisions in the law. . . . Former Secretary Mellon confirmed the news that he will present to the federal government his

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art collection, nominally valued at $19,000,000, and a building to house it costing $7,000,000 or $8,000,000 more.

IN ITS first session of the new year the United States Supreme Court handed down two unanimous opinions of real importance. The first, long awaited by people concerned with civil liberties, reversed the judgment of the Oregon courts in the case of Dirk De Jonge, the Communist who was convicted under the Oregon Criminal Syndicalism Law for having participated in a meeting called by the Communist Party to protest police raids. The Court pointed out that, under the interpretation of the act applied by the Oregon State Supreme Court, "however innocuous the object of the meeting, however lawful the subjects and tenor of the addresses, however reasonable and timely the discussion, all those assisting in the conduct of the meeting would be subject to imprisonment as felons if the meeting were held by the Communist Party." But, the Court continued, "consistently with the federal Constitution, peaceable assembly for lawful discussion cannot be made a crime. . . . If the persons assembling have committed crimes elsewhere . . . they may be prosecuted for their . . . violation of valid laws. . . . The defendant was none the less entitled to discuss the public issues of the day and thus in a lawful manner, without incitement to violence or crime, to seek redress of alleged grievances. That was of the essence of his guaranteed personal liberty." The other decision of the Court held valid the Ashurst-Summers act, which bars the shipment of prison-made goods into states that have laws against the sale of such goods. It is possible that this interpretation of Congress' power over interstate commerce may also apply to goods made by child labor, and a law to prohibit the sale of goods made by child labor in other states has been announced for early introduction in the New York State Legislature.

MR. Andrew Mellon, of the Pennsylvania Mellons, is not one of our favorite Americans. We are therefore inclined to look his gift horse ($19,000,000 worth of old masters) rather directly in the mouth. The old masters, we hasten to report, are all they should be. If we have any fault to find it is not with Botticelli, Goya or Van Eyck but with Mr. Mellon. We cannot forget that he first announced his intention of giving his collection to the government during the hearings of the Board of Tax Appeals two years ago—when such a donation might possibly have created for him a substantial amount of useful good will. We must be pardoned, therefore, if we point out that Mr. Mellon's case is still pending and that he is still in need of all the good will he can muster. This, of course, does not minimize the value of his gift, but we feel it would have been a more convincing piece of philanthropy if Mr. Mellon had paid his taxes first and then given away his collection. The taxes could have been used to help finance living American artists through the Treasury art program or through the art program of the WPA, the Mellon masterpieces would have been made available to the public and nobody—including ourselves—could have unpleasant doubts concerning Mr. Mellon's motives.

LAST spring Senator Bennett Champ Clark of Missouri reported to Congress for the Nye Committee on the Industrial Mobilization Plan, and now that the plan has been revised and will again be presented to Congress by the War Department it may be worth recalling some of his comments. The present revision retains the features of a War Resources Administration, a War Labor Administration and so on, although the section of the plan dealing with labor is still under revision. There is no reason to believe that the War Department has given up its previous position as to labor, however, and at the press conference to discuss the plan Secretary Woodring is reported to have said that the War Department would ask a labor draft in time of war, though this is not in the present plan. Under such conditions, Senator Clark pointed out, "the price of a war may be actual operating dictatorship, under military control." He also remarked that the plan put the government at the mercy of industry, which can and will "strike" for higher prices on government contracts, as it did in the last war, so that although the plan is presented as a means of "taking the profits out of war" it will not have that effect. What is actually needed, of course, although one can hardly expect the War Department to realize it, is a plan to protect the people of the country against being hog-tied by industry during a war. But instead the War Department is showing industry how to tie the strongest possible knots.

THE recent Conference on Contraceptive Research and Clinical Practice in New York City turned out to be somewhat in the nature of a celebration, owing to a decision of the United States Circuit Court of Appeals. The court ruled that the federal obscenity law embraced "only such articles as Congress would have denounced as immoral if it had understood all the conditions under which they were to be used," and that a doctor may prescribe a contraceptive in the interests of life and health. Since the testimony before the court included references to the proper spacing of births for family welfare and even to the hazards of an inadequate income as grounds for the prevention of contraception, the Conference felt that this decision left judgment as to the propriety of a prescription in any given case to the medical profession itself, and thus accomplished in effect what the National Committee for Federal Legislation on Birth Control has been trying to obtain by a federal birth-control bill. But perhaps even more encouraging than this legal victory was the participation in the Conference of numerous doctors and other scientists, thus lifting the subject under discussion more than ever from an affair of controversy and propaganda to one of science and public health.

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LABOR and its friends have reason to look askance at the record of Governor A. B. Chandler's administration in Kentucky, following his failure to pardon the four Harlan County miners serving life terms on murder-conspiracy charges in the Evarts battle cases. He declined to release them despite testimony by the widow of the chief mine guard killed in the battle that she believed all four innocent; testimony by a former guard, who was badly wounded in the clash, that a prosecution witness tried to induce him to identify them falsely; and pleas by forty-six of the forty-seven living jurors for liberation of the prisoners. . . . The Chandler administration claims that it is pro-labor, but it has done little for the workers, and has denied Kentucky labor the two principal things it asked for—release of the Harlan miners and enactment of a "deputy-sheriff" bill which would have banned deputizing of guards employed by private corporations. Much more was done for labor by the preceding Laffoon administration, which made no pretense of being friendly to workers. Governor Ruby Laffoon freed three of the original seven life-termers in the Harlan cases just before he left office in 1935, and there was no public objection. All seven were convicted on essentially the same evidence. Much more evidence supporting the defense contention that these prisoners were framed by anti-union coal interests was presented to Chandler than to Laffoon. It is understood that Chandler has aspirations to national office. He could enhance his reputation by letting the Harlan men out of the penitentiary.

AMONG the things that Alfred P. Sloan Jr. failed to mention in his statement of fatherly advice to the General Motors "family" is the very clever plan of unemployment relief his company has worked out, whereby General Motors employees are forced to pay for a substantial part of their own relief. The plan has been functioning in Flint, Michigan—and perhaps in other General Motors strongholds—and this is the way it works. If an applicant for relief in Flint has been employed by General Motors, the Genesee County Welfare Relief Commission not only refuses to aid him but refers him back to the company, from which he is forced to borrow. That this denial of relief is directed by General Motors is made clear in a letter by Julia Saxton, director of Social Service of the Commission, written on October 28, 1936, and printed in the January issue of Social Work Today. Miss Saxton, in explaining her inability to give relief and in recommending that an applicant apply for a "loan available at the Chevrolet plant," declares:

> General Motors has set up this particular plan to help their employees during lay-off periods, and they have requested us not to consider for relief any of their laid-off employees until they have taken advantage of such help as they can receive through the plant.

The plan to which Miss Saxton refers provides that an employee of General Motors, after he has been laid off (as distinguished from fired) for two weeks, becomes eligible for loans of a maximum of $7.50 per week, totaling no more than $60. The Welfare Commission refuses to supplement these pittances regardless of the family's needs. The nice part of the plan is that the loans are automatically repaid when the worker is rehired, thus cutting the cost of relief (to which General Motors would have to contribute largely in taxes). Perhaps it was unnecessary for Mr. Sloan to mention to his employees the elements of good, sound, independent Americanism that this scheme promotes.

DEVELOPMENTS in the national maritime strike, apparently as far as ever from solution, last week included a grotesque performance by Acting Police Chief Harry Walsh of Jersey City. Mr. Walsh entered a waterfront saloon and removed the owner's license, seemingly to prevent the use of the telephone by an observer for the American Civil Liberties Union who was reporting the breaking-up of a seamen's picket line. In defending his action later Mr. Walsh said that the place was "a hangout for Communists." As D. Frederick Burdett, State Alcoholic Beverage Control Commissioner, pointed out immediately, the police are only entitled to take such action without the Commissioner's authorization in an emergency such as a murder or a riot, and there is no law preventing a Communist from taking a drink, "any more," said Mr. Burdett, "than a Republican or a prohibitionist." The owner got his license back the next night by promising that he wouldn't let Communists eat, drink or live in his place of business or "let them run in if they are chased by police," although how he is going to tell Communist pickets from the other seamen was not explained. No doubt they are all Communists to Mr. Walsh, and he probably expects to chase plenty.

WHILE the tie-up in the plants of General Motors made the biggest labor news of the week ending January 5, there were in all more than 100 strikes over the country. The national maritime strike continued, but in the Gulf ports seamen voted to go back to work on oil-tanker lines when wage raises were granted. In New York City Joseph P. Ryan, president of the International Longshoremen's Association, ordered his union not to work ships of the American-Foreign Steamship Corporation, which signed an agreement with the seamen, and said he would boycott any other line that hired strikers. . . . An indication of approaching trouble in the coal industry came from John L. Lewis when, in a radio speech December 31, he charged the Appalachian coal operators with violating their agreement with the United Mine Workers in announcing to the union that they had agreed among themselves to lengthen the working day from seven to eight hours with no increase in pay. Lewis pointed out that the agreement with the union provided for mutual discussion of renewal terms on February 17. The agreement expires March 31. . . . Plants sup-

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plying 90 percent of the flat glass used by the automobile industry were still on strike and the furnaces cold. It will take three weeks to heat the furnaces before glass can be made again. . . . The sit-down strike technique spread to Oklahoma, where employees of the Empire Oil and Refinery Company sat down at eight gasoline plants, their chief demand being the thirty-hour week.

Employer Trouble in Autos

IN THE matter of output and profits the General Motors Corporation made remarkable progress last year—its total sales exceeded those of any year since 1929, while its sales of Chevrolet cars last August established an all-time high for that month. For this extraordinary achievement, with its increase in employment and payrolls, the management deserves high credit, and one would like to be able to say the same thing for it in the matter of labor relations. But here, unfortunately, the record shows little, if any, improvement. It is this fact, more than any other, that explains the strike now spreading through the General Motors plants, a strike that has already closed 14 plants with nearly 40,000 employees and threatens a total of 60 with some 135,000 or more employees.

The chief issue in the strike is the request of the United Automobile Workers of America for a national agreement with General Motors covering fundamental policies of employment in all of its plants. The company has declared that it is willing to bargain collectively in each plant but that it will not do so on a national scale. To the union this is a thoroughly unsatisfactory procedure for, as it points out, many of the grievances of the auto workers are the result of policies made and directed by the chief executives in Detroit and not by the local plant managers. These grievances are essentially the same as those found two years ago by the NRA in its study of the automobile industry. Active union members are discriminated against and blacklisted so that it is virtually impossible for them to obtain work in any plant in the industry. Widespread espionage systems are used by the companies to block union organization. The high hourly rate of pay (of which the industry constantly boasts) is largely nullified by great irregularity of employment, making the annual incomes of auto workers low. In addition there is great insecurity in the absence of seniority rights based on length of service. Auto workers are considered "old at forty." At the present time, moreover, there is serious objection to the constantly increasing pressure of the speed-up.

Obviously, these are problems far beyond the control of local managers. It seems equally clear that the General Motors Corporation, were it faced with problems of comparable importance in the sphere of production and distribution, would not hesitate a moment in assigning its chief executives to their solution—and on a national scale. It can hardly criticize the union, therefore, for desiring the same advantages of national direction that it has enjoyed so remarkably as a corporation. It is now faced, for the first time, with a full-fledged industrial union and it is extremely unlikely that the present controversy will be settled by anything approximating President Roosevelt's settlement of the auto strike in 1934.

At that time there was no national union of auto workers, but merely a collection of federal labor unions under the direct control of the craft-union officials of the A.F. of L., who, as they have since revealed, had no desire to see a strong union in autos. They were merely interested in protecting the jurisdictions of their own craft unions and were willing, accordingly, to accept a settlement that gave the great mass of auto workers nothing whatever and, in fact, actually permitted the company unions to entrench themselves.

The situation today is vastly different. The company unions have been thoroughly exposed as sham bargaining agencies, while the auto workers are united in a single union, industrial in scope and under progressive leadership. In recent months the union has grown rapidly, with membership reported at more than 100,000, and there can be little doubt that the present strike is the first major test of the industrial-union drive that is now moving forward in steel and other mass-production industries. The strike not only has the endorsement of the CIO, of which the auto workers' union is a member, but the active coöperation of the Federation of Flat Glass Workers, whose 14,000 members have almost completely tied up the production of safety glass with a general strike.

There are those who profess to be puzzled by these developments. The New York Times, for example, intimates that the "union leaders" are pursuing a rash policy that does not have the support of the majority of workers in the industry. "They are asking workers," says The Times, "to strike for an abstract principle of labor organization in an industry in which, as the government's own records show, per-capita weekly earnings are more than 20 percent above the average for all manufacturing industries." The Times overlooks the item of layoffs, of course, as a result of which, according to union officials, 80 percent of the employees in General Motors earned less than $1,200 last year. Thus the "abstract principle" of which The Times speaks covers not merely the weekly wage but—far more significantly—the security and living standards of workers throughout the year. At present the whole burden of seasonal slack is thrown on the auto worker. The union wants to change that and, judging by the almost spontaneous spread of the strike, so do the workers.

It is the refusal of General Motors to meet its employees halfway on this vital question that may lead to a bitter industrial battle. There are those who will call it "labor trouble." Yet it seems to us

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that "employer trouble," as John L. Lewis described it in his New Year's Day address, is a far more appropriate term. For certainly it is trouble that the employers have brought on themselves by their stubborn attitude and inconsiderate treatment of the men who make autos.

Everyone knows, of course, that General Motors is controlled by the du Pont family and that its president is Mr. Alfred P. Sloan Jr. The du Ponts and Mr. Sloan have been prominent supporters of the American Liberty League, with its anti-democratic attitude and its union-smashing affiliations. It is a fair inference that General Motors therefore will not consider the specific issues of this strike on their merits, but will be motivated principally by the desire to prevent the organization of its employees, under independent union leadership, in an agency for effective collective bargaining about fundamental issues. Mr. Sloan's statement of January 4 bears out this inference. It is a fighting utterance which misrepresents the situation. He declares, for instance, that this is a strike for the closed shop, a shop in which everyone must join the union or be discharged. No such demand or suggestion has been made by the union. He says that the real issue is: "Will a labor organization run the plants of General Motors Corporation or will the management do so?" The union of course does not want to run the plants, it merely wants a say in how they are run, in so far as labor is affected. Mr. Sloan's sentence is the aged formula of the hard-boiled opponent of unions, who will fight them to the end. It means that he is not willing to deal with any labor organization that can exercise real power. It means that his fine phrases accepting "collective bargaining" do not imply that he is willing to bargain with a union that can in the slightest degree influence his decisions. He thus brands himself an economic royalist.

Shipping Arms to Spain

THE FACT that an American dealer in arms has received a license to export some $2,700,000 worth of second-hand airplanes and parts to the Spanish government has caused a great disturbance in Washington and in the press. It is proposed, as soon as Congress convenes, to amend the neutrality act in order to make embargoes apply to civil as well as to international war. Mexico has promised not to transship to Spain any more arms bought in the United States. Meanwhile, if the controversy between Spain and Germany about blockades and seizure of ships can be regarded as an actual state of war between the countries, the President may forbid shipments of arms to both of them.

The incident embodies a conflict of policies that requires careful attention. The President has said a good deal about the need of supporting democracy against dictatorship. The United States is opposed to fascism and fascist meddling. The constitutional Spanish government, which was attacked by General Franco's rebels, is a democratic one. Franco himself would not have got very far if it had not been for aid from fascist Italy and Germany, and if the government had been able to buy the foreign arms and supplies which it needed. Why should the United States decline to sell arms to a democratic government confronted with a military, fascist rebellion? It is customary and proper, under international law, to support a friendly government defending itself against insurrection. Under normal circumstances, there would seem to be no need of applying arms embargoes in such a case, in view of the fact that the only purpose of the embargo is to keep this country from being involved in war. There is no danger of our entering a foreign civil war.

No one can deny, however, that this has become more than a civil war. Italy and Germany long ago in substance entered it, on the side of the rebels. Soviet Russia subsequently sent aid to the government. Ships carrying supplies to both sides are being captured, not only by Spanish naval vessels, but by German. If American ships or American-owned munitions should meet this fate, we might find ourselves engaged in a dispute with some foreign power greater than Franco's Moors. If there is a danger that European nations will be precipitated into war by the Spanish rebellion, there is also a danger of our becoming involved.

How can these clashing policies be reconciled? Our suggestion is that in this matter the United States is, and has been from the beginning, in the same situation as France and Great Britain—though not so close to the firing line. If all three had at the very first given legitimate support to the Spanish government—that is, if they had allowed it to exercise its legal right to purchase munitions from them, Spanish democracy would beyond much question have been decisively saved, and nobody would have dared to interfere on the other side. The danger of international war would not have arisen. Since it has arisen, we cannot act without regard to what the other powers are doing.

The non-intervention policy of France and Great Britain, which the administration has been trying to follow in fact, though there is no law to cover the matter, was based on the assumption that all the other powers as well would refrain from aiding either side. This assumption was mistaken. It is obvious that a genuine neutrality on the part of Italy and Germany will not be obtained by the latest diplomatic efforts of the two Western democracies. That removes any obligation of theirs not to intervene. It is intolerable that the Spanish government should be deprived of legitimate sources of supply while the rebels are receiving aid that in any case greatly increases the danger of war. If Franco wins, the war-willing powers will be immensely encouraged for their next aggression.

There is a perfectly feasible way by which we can allow the Spanish government to buy munitions in this country without ourselves becoming involved in blockades or in the embarrassing incidents of search

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and seizure. This is the so-called "cash-and-carry" plan. We could pass a law forbidding American-owned munitions to be cleared for Spain, and forbidding American ships to carry them. But we could at the same time allow Spain to buy munitions in this country, f.o.b. the port of shipment, and carry them in whatever bottoms she pleases, so long as the ships do not fly the American flag. Then no claims on our part could arise against the Germans, the Italians or anybody else who might interfere with these arms or ships *en route*. The actual process that might involve us would be avoided.

This plan would be greatly superior to that now being urged upon the senatorial committee having the matter in charge. A legal, compulsory embargo on all arms shipments to both sides in this and any other civil war would not only betray Spanish democracy now, but might create embarrassing commitments in unforeseen situations. Why not deal with the issue before us, and in specific terms applying to it alone? We do not want to discriminate against the Spaniards who are defending themselves from foreign intervention. We also want to stay out of war ourselves. We can quite easily do both, without tying our hands in the future. Let us not entangle this instance with general neutrality policy in a general war.

The Anglo-Italian Agreement

ONE YEAR ago, the chances seemed about even that England and Italy would go to war, partly because of Ethiopia, partly because Mussolini was interfering in Egypt and Palestine, partly because the Italians actually seemed to threaten British access through the Mediterranean, the "life line of the Empire." It is a striking epilogue to this situation that Great Britain and Italy, on January 3, made public at least part of the terms of a new agreement, hardly less than an alliance, covering the Mediterranean area, with strong hints that France will also be invited to join.

That part of the new understanding made public (some of its terms are still secret) provides for free access through the Mediterranean for both powers. The territorial status quo is also guaranteed in the whole region, including Spain, and Italy specifically denies that she has an agreement with General Franco for the transfer of the Balearics in case of a fascist victory, with Italian assistance, in the Spanish civil war. It is reported that Italy has agreed to suspend interference in Spain, provided the neutrality agreement can become complete and binding —which hardly anyone in the world believes is possible. On the other hand, it is said in Rome that Great Britain has promised not to consent to the creation of a "Soviet regime" in Catalonia, or elsewhere in Spain. Since a Soviet regime already exists, practically speaking, in Catalonia, Italy may interpret the British pledge as justifying a continuance of her present Spanish activities, unless and until, of course, the famous non-intervention pact becomes a reality. The new agreement seems to be thus interpreted by The London News Chronicle and The Daily Herald, both of which have attacked it vigorously.

Part of the price Great Britain has had to pay—and it must have been a bitter part—is recognition of the Italian conquest of Ethiopia, signalized in the curious technique of diplomacy by reducing Great Britain's embassy at the non-existent court of Hailie Selassie to a consulate. By this action, Britain strikes another blow at the prestige of the League and the whole collective-security system, if indeed it could still be said that such prestige any longer exists. Another part of the price is a substantial British loan to Italy, which may soon be expected.

British policy today must be interpreted primarily as a fight for time, as an effort to postpone conflict until her rearmament is completed, a year hence at the earliest. The Italian agreement is useful in two ways for this end. The British really were badly frightened by the threat of Italian naval power in the Mediterranean; they were advised by their own experts that they could win a conflict with Italy, but that it would probably cost them half their fleet. Through the new understanding, the danger of such a war disappears, at least for the time. The second advantage comes through the further isolation of Hitler. Italy insists that her new understanding with Britain in no way impinges upon the Italo-German agreement, celebrated with so many fireworks only a few weeks ago; but in fact, it does impinge, if it means anything at all, and the whole world knows it. The agreement to maintain the territorial status quo in the Mediterranean knocks in the head any plans Hitler may have had for taking territory in North Africa or for setting up an actual German dependency in the Iberian Peninsula. (All this, of course, is on the assumption that Mussolini's word is good and that his treaties can be trusted—a difficult assumption in view of recent history.) In so far as the new treaty puts Hitler more than ever on the end of a limb, it makes for peace, at least in a temporary sense.

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The Next Four Years: the Constitution

This is the seventh in the series of articles on various aspects of the next four years of American life. Additional contributors will be Harry L. Hopkins on "The Next Four Years in Unemployment and Relief," Bruce Bliven on "The Next Four Years in Foreign Affairs," and George Soule, "The Next Four Years—A Summary."—THE EDITORS.

AT THE Harvard Law School last summer there was held what was called a Conference on the Future of the Common Law. Ninety-nine percent of the papers and the discussion was confined to the past and present of the common law. There seemed to be general agreement that the future would resemble the present. The common law would continue to reign in its general outlines and in its methods of adjudication, but in the future as in the past there would be interstitial adjustments to changing conditions. Statutes will here and there supersede portions of the common law, as statutes have done in the past. In this vague thought of the future, there was little ascent to particulars. Wise and informed persons were cautious about prophecy. There was no more projection into the future than would have been likely had the Conference regarded its chief concern to be the common law of today.

Prophecy about the future of the Constitution is as precarious as prophecy about the future of the common law. Two years ago several of us who thought we knew ventured confidently to predict that the Supreme Court must inevitably sustain the processing taxes of the Agricultural Adjustment Act. We were in error. We little knew what novelties a determined majority of the Supreme Court could pronounce. We little knew how thin a line judicial toes could straddle. We little knew what havoc in public finance and what upsetting of a working and successful plan of agricultural betterment a determined majority could be ready to cause. We always knew that there was much that we could not foretell. Now we know that there is much more. We have acquired the wisdom of Socrates in being wise in that we know that we are not wise. This is wholesome for our individual souls, but it hardly affords the most encouraging impetus for writing an essay on "The Next Four Years of the Constitution."

What is to follow, therefore, must consist mainly of some casual speculations, indulged in without any great degree of confidence. It is within the realm of possibility that Mr. Chief Justice Hughes and Mr. Justice Roberts will consciously or unconsciously feel that the continued power and dignity of the Supreme Court will be menaced if on many major issues the attitudes of Justices Van Devanter, McReynolds, Sutherland and Butler are permitted to predominate over opposing attitudes of Justices Brandeis, Stone and Cardozo. The difference between these opposing attitudes is primarily and largely one of the degree of respect to be paid by judges to the judgment of the legislature and to the significance of the institutional facts with which legislatures are concerned. The crucial question is whether the judges shall conscientiously give to the legislatures the benefit of that degree of reasonable doubt which juries are instructed to give to persons tried for crime. Ostentatiously the judges profess to accord this tolerance. Doubtless majorities sincerely think that they do even when dissenting minorities insist that they do not; but confidence in the sincerity of a judicial delusion no longer blinds experts or laymen to the fact that the delusion is a delusion.

THE CHIEF JUSTICE AND MR. JUSTICE ROBERTS

On major issues of wide scope the Chief Justice has in the main shared the attitude of Justices Brandeis, Stone and Cardozo. The notable exception is his concurrence in the condemnation of the Agricultural Adjustment Act. About this there has been much speculation, all of it based on pure assumption. It is pure assumption that the concurrence of the Chief Justice in the result was gained by the inclusion in the majority opinion of a more tolerant attitude toward the spending power than the decision itself seemed to recognize. It is an equally pure assumption that the Chief Justice felt that, since the decision was to be adverse to the processing tax, it would be better for the position of the Court that the decision should be by a vote of six to three rather than by a vote of five to four. Another reported assumption, which I have good reason to believe a wholly false one, is that the Chief Justice changed his view after he saw how the case was going. All that anyone really knows is that with respect to the processing tax the vote of the Chief Justice was on the opposite side from that which one would expect from his vote on other issues of large import.

Mr. Justice Roberts parted company with the Chief Justice to make possible the majority decisions condemning the Railroad Retirement Act, the Coal Conservation Act and the New York Minimum Wage Law. This caused surprise to some who had been soothed by his opinion in the New York milk case and his concurrence in the Minnesota moratorium case and the gold-clause cases. Some thought that there was a recession after the Justice had been hailed and condemned as a liberal. Yet none of the statutes which Mr. Justice Roberts approved involved labor or utilities. He is consistent in being

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against labor and in favor of utilities in the divisions under consideration. If ever a surprise, he had up to November ceased to be a surprise. On most issues of rate regulation and taxation, and on a preliminary skirmish over an incidental phase of the Securities Act, he has not been with the trio of dissenters. Usually in these fields he has had the Chief Justice with him. There is little doubt on which side of the line of judicial tolerance lie the major intuitive congenialities of Mr. Justice Roberts. On him at the moment depends not a little of the possibility of an early renewal of public excitement about the conduct and the function of the Supreme Court.

Speculation about the future attitude of Mr. Justice Roberts concerns itself at the moment with the inference to be drawn from this term's four-to-four tie on the appeal from the New York decision sustaining the New York Unemployment Compensation Act. The Supreme Court's rule of not mentioning names in such divisions is not in this case very concealing. If, as we all assume, Mr. Justice Roberts was one of the four in favor of the law, does this signify a post-election change of the attitude indicated by his opposition to the Railroad Retirement Act and the New York Minimum Wage Law? All that one can safely say is that it does not necessarily do so. A precedent-follower could easily condemn the Minimum Wage Law. There were no such compelling precedents against the New York Unemployment Compensation Law. The issues were sufficiently different from those in the Railroad Retirement Act so that acceptance of the state unemployment statute is not necessarily inconsistent with rejection of the congressional Act. Therefore, if Mr. Justice Roberts found a lesson in the results of the election, such a fact is yet to be established. His supposed acceptance of the New York Compensation Act proffers hope rather than assurance. It may proffer more hope if it was the product of intellectual differentiation than if it was influenced by the election. The psychological potency of the election may wane as the election fades into the past.

Thus we are back at our point of departure and can say no more than that Mr. Justice Roberts can, if he chooses, keep the position of the Supreme Court from being an immediate crucial political issue. Whether he so chooses, we must learn from him. We have already noted that he and the Chief Justice have usually in divisions on issues of rate regulation and taxation voted in favor of the taxpayers and the utilities. Such issues seldom arouse widespread and intense public feeling; yet in their totality they have significant effects on the distribution of economic enjoyments. The ultimate effects may differ from the immediate ones. Decisions that permit escapes from some forms of taxation may stimulate more grievous forms from which there is no escape. There are other menaces to utilities than that from reduction of their rates. The assessment of the work of the Supreme Court in these fields is not likely by itself to stimulate any successful assault on its powers. The most that can be anticipated is that such assessment might prove an important make-weight in efforts premised upon other judicial conduct that might arouse immediate and widespread popular hostility.

The Outlook for a Changed Court Personnel

Another speculation, and one not universally eschewed, involves the possibility of early changes in the personnel of the Supreme Court that may make the United States safer for statutes. It is more decorous to concern ourselves with entrances than with exits. The result of the election makes it seem likely that the President would have little difficulty in obtaining confirmation of his nominees, though even on this the cautious will not be dogmatic. With this certain, however, there remains doubt enough whether the President could confidently pick men of the general attitude of Justices Brandeis, Stone and Cardozo. The Senators who opposed Mr. Chief Justice Hughes and rejected Judge Parker and acquiesced in Mr. Justice Roberts have not proved themselves the best of guessers. The now assured attitude of Mr. Justice Stone could not have been predicted with confidence. There are suggestions of individuals in line for appointments to the Court for political and territorial considerations that cause one to wonder what assurance we have that a President concerned with the composition of the Court can compose a court according to his concern. No added assurance is given by the appointments to lower courts that the President has already made.

Lawyers who are firmly convinced that the Supreme Court has wielded the due-process clauses with much too heavy a hand may have the gravest doubts about proposed or possible expansions of national authority. The constitutional issues of four years hence may be much different from any that anyone now anticipates. It is a curious gamble to which our system of government subjects itself in leaving so much to Supreme Court Justices, and it is a gamble extremely difficult for the appointing authority to seek to minimize. One who attends a meeting of the American Bar Association or who hears talk about constitutional law from professorial colleagues intelligently expert in private law must be amazed that the Supreme Court has been as happily unrepresentative of the bar as it has. The future may perhaps promise more, if one may judge by the general tone of what present-day students write in law reviews. Yet the future is the future, and years of practice at the bar leave their mark. While I have a fair degree of faith that a careful canvass could yield a list of twenty men under the age of forty from which could be obtained admirable replacements for all Supreme Court vacancies for the next ten years, I have no degree of faith that this will be the method by which vacancies will be filled.

The doubts that apply to filling such vacancies as

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naturally arise are doubts that obviously extend to filling places that might be created by adding to the number of the Bench. It would be an extremely self-confident President and an extremely self-confident Congress that would create new judgeships for the purpose of assuring approval of desired legislation. Men willing to pledge themselves in advance would have less respect for the judicial office than is ideal. Until the country is in a worse way than it is, it would be difficult to establish the overwhelming need of such a *tour de force*. We had to get our Constitution by a constitutional *tour de force*, and the Constitution was not constitutional until it became so, but no corresponding crisis seems to confront us in the near future. In some respects it is true enough that the Supreme Court is the American House of Lords, but in many respects it is sufficiently different from its British analogue so that even threats of packing are without the justification of the British parallel. Grant to the full that the function of the Supreme Court is in its most dominant aspect as political as that of Congress, and grant also that political functions should be subject to some political control, it still remains true that adding to the number of the political-judicial oligarchy is far from the most fitting method of control.

Pending Constitutional Problems

With or without early changes in the composition of the Supreme Court we have ahead of us the possibility and even the likelihood that important statutes now on the books will be condemned or clipped by judicial action. The recent condemnation of the labor provisions of the Coal Conservation Act makes it almost certain that the Wagner Labor Act will be denied application to manufacturing concerns by six votes and possibly by nine. To apply the Act even to interstate buses, the Court will have to do some fancy skating by the old Coppage and Adair cases or else declare them overruled. Not yet have yellow-dog contracts officially lost their constitutional sanctity. The Court will soon have to speak again about state minimum-wage laws in reviewing a lower court that has provided for its official superior a *locus penitentiae*. Vermont and Maine have given their sanction to the presidential candidate who advocated a constitutional amendment to permit state minimum-wage laws for women, and sister states may be assumed to have withheld their sanction for other reasons than this espousal of constitutional change. The Court has been given a new reading glass to aid its vision, but it still may see as through a glass darkly.

The social-security program bristles with issues that the Court can decide either way. The Tennessee Valley Authority may still be subjected to various restrictions. Soon we shall know whether cities may be tempted to accept loans and gifts to engage in the distribution of electricity. National regulation of the issue of securities, of stock exchanges and of utility holding companies has yet to be given or denied judicial imprimatur. Railroad labor has yet to be told about legislative encouragement of collective bargaining and about pensions from national taxation. Farmers have yet to be told about what goes under the name of soil conservation rather than under the name of crop restriction. They have yet to learn whether the new Frazier-Lemke Act is constitutionally better than the predecessor that was unanimously condemned. Since the President did not appeal to the country for reëlection on a promise to be lethargic, there may be more revisions and more novelties to raise new constitutional issues. These issues have not been settled by the Fathers. They will be settled by the judgment of men who number from five to nine. Such power is staggering to contemplate in view of our professions of democracy and in view of a popular majority not deterred by pious though amorphous invocation of the Constitution and the American way of life.

Can the Court's Power Be Curbed?

Staggering though such power is, it is a power that has constantly been increasing. There is room for doubt whether the recent election was a mandate to curb it. True enough, those who declared themselves in favor of unfettered judicial authority were decisively defeated. Yet those who defeated them were quiet about the Court and its power. They contented themselves with advocating "clarifying amendments" if the Constitution should prove to be inadequate. There was more in the background than in the party platform, but the caution of the platform makes it hard to find in the election any clear mandate to curb the Court. Certainly no one is pledged to curb the Court. Yet there was a pledge to keep on trying to get national amelioration of national ills, and there was no qualifying "unless the Supreme Court says No." There was no pledge to maintain the authority of the Court unimpaired. The difference between a mandate and a blank check is not an easy one to state. Perhaps it is not important. Elections with us do not give answers to a detailed questionnaire. Yet this election has yielded a roar in which cheers for the Supreme Court were pretty thoroughly drowned out.

Suggestions are made of curbing the Supreme Court by congressional action alone. Legislative power over the appellate jurisdiction is said to include such control. Such power has with the acquiescence of the Supreme Court been exercised to withdraw from the appellate jurisdiction a pending case and thus to leave the decision below undisturbed. That was in trying times, in times more trying than these. The statute involved only one special writ. To me it is no precedent for any attempt to dictate the way in which a court shall decide or by what majority it shall decide a case of which it has jurisdiction. Congress would not be free from judicial supervision if it withheld from the Supreme Court all appellate jurisdiction in cases involving constitutional issues. It would have to go

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further and impose curbs on state courts and on inferior federal courts to tie or cripple all judicial fingers. Legislative action to obtain legislative omnipotence would be as much of a legal revolution in 1936 as was the Constitution itself in 1789. I should expect the Supreme Court to call it by its right name by a vote of nine to none. The only qualification of what would otherwise be my admiration for such judicial action would be due to the fact that the occasion for it could arise only because of prior judicial arrogance that would have in it little to be admired.

The Danger in the Judicial Veto

The judicial veto can long remain a valuable stabilizing and cautionary element of our constitutional system if exercised as a wise and able contemporary minority of the Supreme Court have been disposed to exercise it. The danger in the judicial veto is its relative finality. The executive veto may be overridden by an extraordinary legislative majority. The judicial veto is often to a great degree as much an expression of personal views of policy as is the executive veto. Only when the judicial veto is the product of personal views of policy is it likely to involve the Court in intense public controversy. If a determined and recalcitrant majority of the Court should continue to press upon legislatures and electorates a feeling of disrespect and of revolt, there would inevitably be a compelling demand to reduce the finality of the judicial veto. Our five-to-four and four-to-four divisions of the Court have long since made the world aware that many decisions come from the Court and not the Fathers. The process of specific constitutional amendments to override specific judicial vetoes does not bid fair to be a fruitful one. Constitutional amendments to enlarge constitutional grants will be subject to judicial interpretation. Not by such changes can oligarchical judicial power cease to be practically unfettered in wide ranges of control.

Of course a constitutional amendment could be drafted to grant to Congress unlimited power over agriculture, finance, industry and labor. An amendment phrased in these very terms would make Congress substantially omnipotent. When there is any widely held notion that such a proposal could be ratified, it will be time to begin to discuss it. Discussion may certainly be postponed so long as the pending Child Labor Amendment remains unratified. Of course the Fourteenth Amendment could be taken out of the Constitution if Congress and the states so willed. No such requisite willing is in the immediate offing. I have no feeling of certainty that Governor Landon's proposal to recall the New York minimum-wage case by constitutional amendment would be ratified by thirty-six state conventions or by two houses of thirty-six state legislatures if sent to them by Congress. Southern states and states predominantly agrarian are not enthusiastic supporters of the labor views of the editors of The New Republic. A proposal of amendment to recall a single decision is a sign of lack of large dissent from others. To piecemeal efforts at overcoming judicial negatives there are serious practical obstacles. For wholesale efforts there is as yet no sign of an effective popular will.

It is easier to strike at personal power than to strike at a dozen particular exercises of it. It is conceivable that a majority of the Supreme Court could continue so to behave as to make it possible to dramatize a villain and to do something about putting him on some kind of leash. The leash of requiring an extraordinary judicial majority to condemn state or national legislation could easily be made lax by convention among the Justices. Such a restriction would, if effective, cause grave complications unless carefully confined to certain fields of action. The problem is loaded with technicalities that no competent person would ignore. There is much intricate fitting together of state and national statutes and administrative orders that can be done wisely only by a single hand. A minority with effective power to sanction both state and national action might be so erratic that a federal system would become an incongruous jumble instead of a workable pattern. A workable pattern we now have, however much some parts of it may now displease. While the requirement of an extraordinary majority for the exercise of the judicial veto might work well enough if confined to judicial applications of due-process clauses to certain types of legislation, it is a risky device to adopt as a controller of the whole of the judicial umpiring of the federal system.

The Court and the Scope of National Power

If the election means primarily a sanction of the use of national power to treat national ills, then the major constitutional issue of the immediate future is the scope of national power. A majority of the Supreme Court has told us that the national spending power does not include the power to make contracts with farmers for crop restriction and that the commerce power does not include the power to impose a pension plan on interstate carriers. The Court has told us unanimously that the commerce power cannot impose a code on processors who sell only locally. These are issues on which many men have thought otherwise. The judicial views are the product of what the judges thought best and of what they thought to be the large constitutional outlines of our established federal system. Even the unanimous decision was not dictated in terms by the Fathers, as the contrary judicial view about national power over intrastate railroad rates makes clear. In neither case did the Court follow the Constitution or disregard it. In both cases the Court made the Constitution on the particular point. We have at present a mode of appealing from this making of the Constitution. It is the cumbersome mode of constitutional amendment. Many states have less cumbersome modes of constitutional amendment. We

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should be more in line with other systems of national government if we emulated some of our state examples.

Call it a new mode of constitutional amendment or call it a device for recalling judicial negatives on the scope of national power, there are merits in the suggestion that the judicial veto in this particular field should be more amenable to political overriding. We override the executive veto by an extraordinary legislative majority. Those who wish speedy action may advocate overriding the judicial veto in the same way. Others would think it desirable to ensure a longer season of contemplation. They might suggest two legislative votes, the second to be after an intervening general election. There are difficulties in all this, but they might be ironed out. At any rate, it seems to me that it is along some such line that we should seek to lessen the finality of the judicial veto in this field if the conduct of the Supreme Court creates an effective demand for some mode of legislative or popular relief. Of course this is too mild to satisfy those who think that they can get from Congress at the moment something that they could not get later. It is too mild for those who think that we are on the brink of chaos and must get a new heaven and a new earth within a year. It is mild enough so that it may be regarded as an evolution rather than a revolution of the system that we have thus far evolved.

The present or future Justices of the Supreme Court might well wish to avoid even such an appeal from its decisions. Any mode of appeal puts more into the limelight the essentially political function which the Court exercises and must continue in some degree to exercise. With criticism of judicial reasoning and judicial judgment directed toward political action, the inadequacies of some judicial literature might be a matter of more concern to some judicial authors. Because of the conventions that have become staple, judges too often have been enabled to hide their darkness under a bushel of technicalities and of inadequate recourse to assumed precedents. Alas, also, the condemnations of the work of the judges have too often had too little to commend them. Yet the fact remains that the Court itself has through recurring majorities put itself in a position where it is rightly subject to the same kind of popular assessment that must in a democracy be directed toward legislatures and executives. The Court has done this with adequate frequency in the face of clear warnings from a minority of its members. The majority of the Court can hardly wish for a new constitutional device that will promote the frequent recurrence of such popular assessment. In the next four years the majority of the Court has the opportunity, if it has the capacity, to save the Court from what would be a menace to its dignity and its power.

THOMAS REED POWELL.

Congress—and the Power of the Press

WHEN THE Seventy-fifth Congress gets under way you may depend upon the fact that your daily newspaper will bring you the usual quota of editorials defending or attacking pending bills. As voting time draws near on controversial measures you will find the usual editorial symposia advanced to the front pages of your papers, showing that the press of the nation has joined forces, for the moment, to throw the full strength of its power behind or against the particular legislation under consideration. And what will be the effect of this massed editorial support or attack? To judge by the record of the past few years it will be exactly nil. Is this statement too sweeping? I might qualify it by saying that the effect of editorial support or attack will be worse than nil. Every bill of major importance that came before the Seventy-fourth Congress with virtually unanimous editorial support was defeated, and every bill that was fought to the last ditch editorially was passed. This was equally true of the Seventy-third Congress.

The foregoing report is made by one who has followed every important bill through every session of Congress held during the past three and a half years via the editorial pages of 500 daily newspapers from key cities of the United States. And now for some figures to back up these statements.

Let us consider first the bill that drew the heaviest editorial volume of all—the 1936 Revenue Act, popularly, or unpopularly, known as the corporation-surplus-tax bill. During the fifteen weeks that this bill was pending in Congress I read 2,597 editorials on it. Of this number only 142 approved any phase of the bill, to and including the President's message to Congress outlining his proposals for the bill. Only 63 out of the 2,597 editorials approved the corporation-surplus-tax provision. The editorial attack was the most unanimously bitter leveled at any of the Roosevelt legislation, newspapers which had consistently supported the administration in the past joining in the chorus of protest. Did this overwhelming editorial opposition impress the Congress when it came time to vote? Presumably not, since the House passed the bill by 282 to 96 and the Senate by 38 to 24. And remember that this was on the eve of the campaign, when many of these Congressmen and Senators were going home to stand for reëlection.

Other bills that drew frantic but futile editorial attack during the Seventy-fourth Congress were the Wheeler-Rayburn utility-holding-company bill, the Wagner labor-disputes bill, the Steagall banking bill,

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the soil-conservation and domestic-allotment bill to replace the AAA, and before that the AAA amendments, the NRA-extension bill and the bonus bill, to name just a few.

While the volume was lighter, the editorial attack on the Wheeler-Rayburn utility-holding-company bill was as bitter and as unanimous as on the corporation-surplus-tax bill, the division being about 17 to 1 against it. But when the vote was taken in the Senate, the bill was passed by 56 to 32, after amendments for modification had been voted down. And after the terrific battle in the House over the "death sentence" clause the bill still passed by 323 to 81.

In the months during which the Wagner labor-disputes bill was discussed, editorials favorable to it were so rare as to be news. But when it came to a vote in the Senate, the bill was passed by an overwhelming majority, and it likewise sailed through the House with the greatest of ease.

The NRA-extension bill was being opposed by 111 votes to 1 from an editorial count several weeks before the Supreme Court threw out the NRA, but in spite of the subsequent furore which shook the nation, the House passed the NRA extension bill by 336 to 31. The AAA amendments likewise took a terrific editorial walloping, about 100 to 2 against, but they were passed. The editorials ran about 3 to 1 against the Steagall banking bill and nearer 6 to 1 against the bonus bill, but they, also, passed.

The occasions on which the press joins forces to support a measure seem much rarer than those on which they mass for attack. However, the newspapers did achieve a certain degree of unanimity in the matter of United States adherence to the World Court, although Mr. Hearst and his chain of newspapers conducted a vitriolic campaign in opposition and drew some of the more timid souls with him. During the week preceding the vote on the resolution, after the radio blasts of Father Coughlin had brought a deluge of letters and telegrams to the Capitol and the Hearst campaign had caused considerable viewing-with-alarm, the editorial count still stood: 52 favorable; 32 unfavorable; and 77 general discussions. But when the final vote was taken in the Senate the resolution was defeated and with it the press's too-feeble effort to sponsor a cause.

Another bill which the press favored, and which was defeated, was the Costigan-Wagner federal anti-lynching bill. While the volume of editorials on this bill was never so large as on the other bills mentioned, they represented a good cross-section of the country, and included among these favorable editorials were a surprisingly large number from Southern newspapers. And yet, after a brief filibuster by a small group of Southern Senators, the bill was shelved.

Among the successful bills of the Seventy-third Congress which received strenuous editorial opposition were the gold-reserve, the Bankhead cotton-control bill and the stock-market-regulation bill.

Having quoted these facts and figures, just what do they add up to? Have the politicians discovered that the newspapers no longer influence or represent the people, that they so flagrantly disregard editorial opinion? Has the time passed when great publishers pushed through legislative measures and stopped others, turned the tide in national crises, even made and unmade Presidents?

To digress for a moment from Congress, it seems pertinent to observe that never has the power of the press proved more impotent than during the recent presidential campaign, when at least 65 percent of the newspapers of the country demanded the defeat of Franklin D. Roosevelt and then were forced to devote their front pages to reporting a landslide in his favor. Raymond Clapper, in his syndicated column of November 5, reports that the newspapermen were frequently booed as they rode through the streets with President Roosevelt and that in Chicago some of the correspondents "were alarmed over the visible fury of the crowd." Some of the more honest newspapers have taken occasion editorially to comment upon the discrepancy between the press and popular attitude toward the election:

> Philadelphia Record: Roosevelt's landslide was more than a smashing rebuke to those Siamese twins, the GOP and the Vested Interests. Quite as much it was a rebuke to the great bulk of American newspapers.
>
> Madison, Wis., Times: The crushing defeats suffered by the Republican national, state and congressional candidates throughout the nation were more than a repudiation of reactionary Republicanism—they were repudiation of a large share of the newspapers of the country. . . . The election returns make it cruelly clear that the people of America are awake to the fact that the reactionary newspapers are using the freedom of the press principle to protect their own selfish interests.
>
> South Bend, Ind., News-Times: One thing is definitely proven by the gigantic Democratic election victory of Tuesday. Modern voters are not influenced in the slightest by the partisan rantings of newspapers which use elections as an opportunity for axe grinding.
>
> Atlantic City, N. J., Press: By and large, the press of the nation was not only opposed to President Roosevelt and the New Deal, which was all right; it was viciously and unfairly opposed, which wasn't so good. . . . America is safe as long as the people can think and act, when necessary, contrary to the propaganda of three-fourths of the public press. The public press in America is safe if it will recognize this to be a fact and mend its ways.
>
> Danbury, Conn., News-Times: Neither tsar, nor political parties, nor newspapers have any prestige beyond the faith of the people in them. When belief is replaced by skepticism . . . the press needs to look to its methods, its manners and its morals.
>
> St. Louis, Mo., Star-Times: The newspapers are to blame for the predicament in which they find themselves today. They are not the victims of popular misjudgment. Instead, they have brought a true judgment upon themselves. Called upon to be prophets, they have chosen to be reading clerks of the money changers in the temple.

EVELYN MILLER CROWELL.

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The James Branch Cabell Period

IT WAS by chance that James Branch Cabell found himself the American master of literary estheticism in the early 1920's and a sort of competitor to the new critical realism and social satire of the day. He had been modestly and consistently writing for fifteen years, read by a few, by Mark Twain and Theodore Roosevelt, heroically praised by Burton Rascoe, and well enough known to the visiting Hugh Walpole, who records that people would say, as if to take away the disgrace of Dreiser and Anderson, "Well, at any rate, there is Cabell." The censorship of "Jurgen" in 1919 finally did what no reader or reviewer was able to do. There is nothing in the book that Cabell had not intimated before—but it is done here to excess, the style more flamboyant, the sexual innuendoes more salacious, the legend more romantic and correspondingly more disillusioned. The censor earmarked it with uncanny precision. It is a corrupt book, as much in style as in substance, alien and insidious, and precisely what the post-war sophisticate was dreaming of. It became the "gonfalon," as one critic put it (they all fell into Cabell's dressy way of writing) of the great enlightenment in style, beauty, freedom and passion, as if none of these had existed before in American literature.

It was freely said then that civilization had come to the American novel with "Jurgen," and, a little later, with "Erik Dorn" and "Jennifer Lorn" and "Peter Whiffle." The first raptures over these books brought to these shores the very spirit of Rabelais, Voltaire, Balzac, Huysmans, Anatole France, Horace Walpole, Pater, Wilde, Machen, Max Beerbohm and Aldous Huxley ("Chrome Yellow" period) and converted a barbarous literature overnight into an airy dome of wit and urbanity, verve, irony and Gallic sophistication. All these names and all these epithets somehow found their way into the reviews and into the inordinate amount of prefaces ordered for each new edition. Mr. Rascoe further wrote that not Ecclesiastes, "The Golden Ass," "Gulliver's Travels" or the works of Rabelais had a surer chance of immortality than Mr. Cabell's "Jurgen." Sinclair Lewis read "Jennifer Lorn" in England and cabled: "At last a civilized American novel," and Carl Van Vechten led a torchlight procession in its honor through the streets of New York. Mencken thought that "an age of oafish faiths, of imbecile enthusiasms . . . of incredible absurdities" somehow redeemed itself because Cabell reminded him of Horace Walpole and Pater. A professor at the Sorbonne lectured: "*At last* an American novelist with a culture and a style of his own, a conscious artist and a man of letters . . . *at last* we are given a holiday from Theodore Dreiser's triviality, Sinclair Lewis' truculence and Anderson's mystic stammering . . . *at last* an American writer who can think freely and who does not ignore *gaie science*. . . . Praise be to the Lord, 'Jurgen' was born in 1919, and the rights of the imagination were restored." He then explained Cabell's indebtedness to Anatole France and the others, showing that Cabell's culture and style of his own were in the very best tradition. It may seem a curious way to praise American civilization by pointing out that everything good in it has been borrowed or stolen.

But the early 1920's were extravagant in judgment as in everything. The end of the War celebrated the "new" freedom, the "new" morality, the new sophistication, the new disillusion. Travel and a wider range of reading had stimulated and corrupted, and broadened and confused, and romanticized and disillusioned the mind in every degree of variance; the only constant was novelty. The alien ethics and esthetics of Mencken and Huneker had prospered almost too well—brilliant young men were dying for them vicariously in novels everywhere from Chicago to Paris, Ulick Invern of Huneker's own "Painted Veils" being the first. The Modern Library had begun its series of cheap reprints with Wilde's exotic and meretricious "Dorian Gray" as No. 1. The new magazines were publishing the cream of the foreign stylists. The Smart Set under Willard Huntington Wright (who now writes detective stories under the name of S. S. Van Dine) had James Stephens, Joyce, Beerbohm, Ford Madox Ford and Schnitzler. The Reviewer (see Miss Emily Clark's gossipy source-book of the period, "Innocence Abroad") had Machen, Firbank and (of all people) the demonologist Aleister Crowley. The Dial and The Little Review had the rest. Certainly a new group of artistic masters, if not a new civilization, had arrived. Fabulous vistas of new entertainment, of esthetic possibilities, were opened up to the young writer. It was inevitable that he should attempt the same sensual pleasures, magic of words, intellectual curiosity and romantic irony in his own composition, natural that every imitation masterpiece that seemed to possess these qualities should be extravagantly overpraised.

It is not pretended here that persons and practitioners of fiction as diverse as Cabell, Elinor Wylie, Hergesheimer, Ben Hecht, Van Vechten and Scott Fitzgerald had any common program or general designs on American literature or even common respect for each other. For that matter we have here an older and a younger generation and we cannot imagine Mr. Cabell caring much for Mr. Hecht's life and works. But together they represent in their various ways the surprising impact of estheticism on a post-war American literature, ad-

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vancing the somewhat belated cause of art for art's sake which had already flourished and died in its several decades in France and England. Briefly it meant a holiday from life, as if living had become intolerable. Escape in some way was the only intelligence. Cabell had his dreams of masterful or sorrowful love in some imaginary Poictesme. Miss Wylie had her dainty *snobisme* with the past, Mr. Hergesheimer had his grossly expensive snobbery with Cuba, Palm Beach and Duncan Phyffe furniture. Mr. Hecht consoled himself with cynical phrases about life, for which he had no good word. Fitzgerald took his college youths on celestial benders, reminding them on occasion, however, to pay the bill. Van Vechten galloped off into literary escapades that suggested and summarized all of his colleagues. How eagerly disillusioned they were of the world! how eagerly optimistic of their own talent! how lovingly praised! and how little they did with their marvelous opportunities.

Without knowing how much it is read, I should say that it is now almost impossible to read the first "civilized American novel" (Sinclair Lewis), "perhaps the only authentic American masterpiece" (Carl Van Vechten)—Miss Wylie's "Jennifer Lorn." Consider the young reader who opens it for the first time, looks back with bewilderment on everything the novel has done from "The House of the Seven Gables" to "Ethan Frome," and wonders how anyone could say that this book surpassed all its predecessors. Here is no more than a pastiche of high life in eighteenth-century England, cluttered with bric-a-brac of ye-olde-tea-shoppe variety. It is quite impossible for any of the furnishings, characters, emotions, attitudes or epigrams to behave naturally for one moment. They are not meant to be life, they are art. They are reproduced from museum pieces and they look like museum pieces. When Gerald ate currants he "had upon his Chinese Bristol plate a superb bunch of white currants," when he sat down it was upon an extravagantly rococo armchair with golden scrollwork and Tyrian upholstery, when he dressed it was in his black velvet suit with very rich waistcoat and ruffles of the finest needlepoint Alençon, when he spoke it was to cry " 'Ignore this mummery' in a voice like cracking glaciers." It is said that this is the style and decorum of the eighteenth century, but even this is falsely said. It is Regency period, the gilded elegance of the Bulwer-Lytton novels, once known as silver-fork fiction.

An elegant diversion in literature is nothing to regret, though we may think its readers are curiously and easily diverted; but an authentic American masterpiece is not likely to be made out of this fancy piece of Beaux-Arts masquerade. Miss Wylie wrote four novels, all acclaimed in the same fashion. One of them was turned into an unplayable play, since it was as brittle as the glass its hero was made of, and another was turned into a Book-of-the-Month success, since it brought Shelley to America (Miss Wylie took over Shelley as Miss Lowell took over Keats). The last, "Mr. Hodge and Mr. Hazard," was almost good and simple, like her poems; but her habits of imitation and affectation were ingrained. She had hoped to write a "brief symbolic romance of the mind," but her symbol was still an esthetic snobbism; her mind a literary mannerism.

Mr. Cabell has carried this novel of escape, pretense and sophisticated grandeur to the point of exhaustion, to the point at which it becomes a composed philosophy of life. He has made this philosophy critically interesting. It is a simple philosophy, to the effect that life is tedious and disillusioning and scarcely worth the effort, though it may be somewhat relieved by a dream-escape. Other writers have made the same observation, but surely none has had practically nothing else to say and has reiterated it so monstrously and monotonously. I am aware that he has expanded this simple belief into a nightmare of egotism and that connoisseurs can discover a special revelation or concealment in each editing, retitling, reprise or auctorial essay in the Storisende Edition of his complete works. The façade is extraordinarily impressive and every device of authorship has made it attractive—probably no author has appeared to such advantage before his public. But nothing can finally disguise the fact that his dreams are less than half as lively as life and less than half grown-up. They spend an inordinate space explaining or justifying themselves (can it be that Mr. Cabell is not sure of them?) and they spend quite a time merely waiting around to be dressed and written up. And then in the end we find them easily and fatally slipping into vague reveries of sex, languidly chasing or eluding a coy or wanton femininity.

Energy and originality they do not have, logic they need not have; but surely there is some coherence to this immense game of make-believe of the Biography of the Life of Manuel? Since environmental reality is dismissed and character cannot exist without it, we are left with nothing to talk of but the pleasurable esthetic qualities of style and composition. Mr. Cabell has made a curious mode out of a dozen archaic styles from the Bible to Irish poetic drama, by way of Malory and Hewlett, adding to them a hesitating, niggling and uncertain taste in words, as this, from an important speech in "Jurgen," may testify: "Henceforward you must fret away much sunlight by interminably shunning discomfort and by indulging tepid preferences. For I, and none but I, can waken that desire that uses all of a man, and so wastes nothing, even though it leave that favored man forever after like wan ashes in the sunlight." A sermon on style could be written on these words, and it would be a serious warning to dilettantes. The composition has the same imperfections, ordinarily regarded by devotees as originality. "The Cream of the Jest," his summary of the romantic quest, is probably the most tortured theme in literary history, the last word in willful obfuscation. The misinterpretation of the

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top of a cold-cream jar starts Kennaston off on his dream-adventure, as anything very well might; but is it not rather silly to reproduce the top of this cold-cream jar as a prefatory sigil, upside down and carrying the signature of James Branch Cabell in fancy script, spoiling the whole game at the beginning? And is not the game of Jurgen spoiled at the end with the coarse jest of reducing the middle-aged erotic dreamer to a pimp for his ideal love? Mr. Cabell freely admits that writing is merely a game of style and composition. But he plays it himself irresponsibly, beyond rules as well as beyond life, in a region of quite arbitrary personal preferences and romantic choices. While showing every inclination and outward sign of belonging to the small and distinguished company of stylists, he has not, by one notable sentence or idea, made a candid contribution of his own. The masters with whom he has been compared, from Petronius to Rabelais and Voltaire, made their mark out of the life and usage of their times, not out of cloud-cuckoo-land.

This pure literary estheticism came near to purifying itself out of existence. Ignoring the immediate experience of life and subsisting entirely on literature and the imagination, it could not even succeed in producing good literature. Its influence on the decade was probably good as a stimulant to curiosity, disastrous as a steady diet. The heroes of the younger novelists were all reading Cabell and the French decadents and attempting to bring the exotic glamor of Poictesme to the brothel, week-end hotel, night-or-country club, Harlem dive, Greenwich Village speakeasy or Chicago house of ill fame. What the gentle and remote Cabell dreamed of as an engaging impossibility they took into the actuality of their lives. Mr. Cabell accepted no responsibility for the vagaries of his characters and clearly recognized that they had nothing to do with the business of living. The others were more direct and daring and plunged into a historic confusion of esthetic theory and practical experience.

Hecht's Erik Dorn tried the experiment of living in and beyond life, experiencing and at the same time refusing all possible value and meaning to experience. When the radical Tesla bursts into the book to say that art should be something beyond mere decoration or dreams for men sick of life, Dorn is unmoved. Completely disillusioned, completely skeptical, dreams to him are as idle as life; nothing is of any avail. "An amusing writer," thought Tesla, "sometimes violent, and always empty." It was Mr. Hecht's epitaph on himself and the aspect of his age that he melodramatized: esthetically amusing, for a time at least; emotionally violent in its desires and repulsions; morally and socially null.

Its fictional biographer is Carl Van Vechten, the notable playboy and connoisseur of the period, who wrote its fashionable story year by year in novels from "Peter Whiffle" (1922) to "Parties" (1930). His career covers all the styles and esthetic dalliance of his day in its craziest and toniest manners, which it was Mr. Van Vechten's merit to have combined. He is the last and in a sense the most intelligent infirmity of Mr. Cabell's dreams and Miss Wylie's décor. His part was to see them in practice. He pursued their mannerisms and eccentricities, their stylistic sophistications, their incipient erotic violence and perversion, corruption and insidious paresis, into every particular haunt of sin and gin in the prohibition era and in a way that would have horrified the original American sponsors of *think what thou wilt,* which must inevitably lead to *do what thou wilt;* and he did all of it with an agile pen. The story ends with his last novel, a bitter and blighting envoy to the decade of elegant decadence, complete with definitive bibliography and an epigraph from Radiguet to intimate that this was no provincial tragedy. Mr. Van Vechten gave up his parties, said goodbye to all that and took to the lucid and amoral art of photography.

Miss Wylie is dead, Mr. Cabell has shortened his name and aim, Mr. Hergesheimer is almost forgotten, and Mr. Hecht is with the movies, where he so admirably belongs. Their esthetic sophistication has narrowed to the value of a nonce-word recorded in the dictionary, and with it has gone a baggage of irresponsible individualism, private follies and foibles, eccentricities and excesses, pretentious characters and imitation styles. They were all too easily and lavishly praised as wonder boys and girls, and the critical and social background gave them no incentive to match their peculiar state of mind against the general state of the world, which may be categorically stated as the only possibility for the development of character. They did not really develop at all, and a great deal of genuine talent was blanketed in a cosy bed of adolescent complacency, with the critics crooning it to sleep.

It seems to me that F. Scott Fitzgerald suffered most from this critical and social irresponsibility. His recent "Tender Is the Night" is a ghost wandering by its former triumphs. But instead of crying Revenge! it is still wondering why it was so foully murdered. Fitzgerald's biography tells half the story: St. Paul, Minnesota; Princeton University (no graduation—1917, the War); first lieutenant, aide-de-camp to Brigadier General J. A. Ryan: advertising-agency copywriter; The Smart Set; the novels, 1920—1926; The Saturday Evening Post. His titles, the best in fiction, tell the rest: "This Side of Paradise," "Flappers and Philosophers," "The Beautiful and Damned," "All the Sad Young Men," "Tales of the Jazz Age." The matter was trivial, mainly a chronicle of how collegians make money and girls, and the style was no better; but there were reservations and an undercurrent of resentment against these silly topics that finally came to a head in "The Great Gatsby."

"The Great Gatsby" is the great legend of the time, since it most clearly understood its romantic make-believers. Gatsby of the magnificent estate in

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West Egg, Long Island, the fabulous host of the New York smart set with his champagne parties, incredible luxuries and Petronian orgies, his expensive imitation of all the romantic shoddy of the day, is our old friend from the Middle West autobiography—James Gatz of a small town in Minnesota and a family of shiftless farmers, digging clams for a living until he is picked up by a millionaire and taught the way of the world. He learned, as a matter of fact, the way of the underworld, through his friend Wolfsheim (Arnold Rothstein), and he made his money first (an essential with Fitzgerald, though it is sketchily developed here) and then invented his magnificent legend of superiority and imposed its fantastic conceit for a while on the world. Here for a moment is the dream of the decade come true, an American Night's Entertainment from James Gatz of Minnesota to The Great Gatsby of Long Island, and here also is its first intimation of disaster. The dream ended in death and disenchantment, as it was bound to end. . . . As one reads "Tender Is the Night," with its charming and evocative writing, one feels how badly Fitzgerald was served by his contemporaries. Had his extraordinary gifts met with an early astringent criticism and a decisive set of values, he might very well have been the Proust of his generation instead of the desperate sort of Punch that he is. But at least he took Cabell's day-dreaming into the marketplace, stripped and washed and aired it, and exposed it to the world for what it was, actually; and in this sense he will be remembered as the chronicler of his age, an age that had nothing better to offer than an escape from it by way of Cabell's "Jurgen."

PETER MONRO JACK.

This is the ninth of a series of Revaluations. Additional articles will deal with Willa Cather, Upton Sinclair, Robinson Jeffers and Edna St. Vincent Millay.—THE EDITORS.

Birds in Flight

Farm-Boy to a Hawk

O cloudlost wings, what do you seek
Almost between two stars that spill
Evening's first silver on the hill?
Hawk, by this spruce swirls a mossy creek
Where my colt Dan, plunged to his knees,
Stands sniffing the clover-smell of night
In dusk's fern-cool, sleepshaded light.
Do you see better things than these?

From a Bridge

Wind-spiraling! snow-flecked! gulls!
Having seen you tread the thawing ice
Shall we be envious now of your curve of flight,
Your ease in the paths of air? we
Who higher on swifter wings have soared
And walked with feet of light
On water never frozen?

JAMES DALY.

Washington Notes

The Administration and Rural Land Ownership—Coöperatives and Their Difficulties—A Good Program Solving Nothing

MR. ROOSEVELT'S Farm Tenancy Commission, which is due to report February 1, has a chance to write a historic state paper. Rural land ownership is one of the great, basic political issues. There is nothing new about it; it has whiskers as long as those of a Japanese patriarch. It was a fighting issue under the Roman republic, and is likely to be a fighting issue in this country until we make up our minds to deal with it.

Mr. Roosevelt has formally accepted the obligation of ending, or at least ameliorating, farm tenancy, and this does him great honor. However, promises are not edible, and I regret to report that there seems to be little inclination among administration officials to back up Mr. Roosevelt's words with action on a broad and effective scale. After the Farm Tenancy Commission makes its report, a bill will be introduced in Congress and undoubtedly passed. But it seems to be generally agreed within the administration that the first-year appropriation will not exceed $100,000,000, and may not be more than $50,000,000. For a national program these are relatively insignificant sums.

Perhaps the most militant and intelligent of the propaganda groups working for a tenancy bill is the National Committee on Rural Social Planning. According to this group's estimate, it will take $5,000 to provide one family with sufficient land and capital equipment to maintain a tolerable standard of living—nothing fancy, nothing as luxurious as is enjoyed by a member of a Danish farm coöperative, or even a present-day Russian coöperative, but just enough to keep the children from dying of pellagra.

Mr. T. J. Woofter Jr., the brilliant sociologist now attached to the WPA, thinks that a family might be provided with land and equipment for $4,000. According to the first estimate, $100,000,000 would care for 20,000 families; according to Mr. Woofter's figure, 25,000 families. In either case, the national total of approximately 3,000,000 tenant families would scarcely be touched. It is possible that Congress, if sufficient pressure were brought, might be induced to appropriate more than $100,000,000. However, the chance of obtaining an appropriation that would permit a really adequate program appears slight.

If it is true that the country must be content with a largely experimental program for the next year, it is important that the experiments should be socially valuable. The emphasis in last year's Bankhead farm-tenancy bill was on the creation of small, independent, family-sized farms. The National Committee on Rural Social Planning, and other interested unofficial groups, believe that this was a mistake. They believe that owners of small independent farms will never be able to command the machinery and technical advice needed for an adequate standard of living. In the case of the Southern sharecroppers, especially, they strongly advocate production coöperatives. This is what the organized sharecroppers themselves want. The Southern Tenant Farmers' Union recently said that "if the prospective new farm owners are to make something more than a

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mere subsistence living, and if the cultural level of the people is to be raised, a new type of farm organization will be necessary. That organization must perforce be a communal or village farm economy, based on the idea of coöperation and mutual assistance."

The National Committee on Rural Social Planning also points to an open letter to Governor Futrell's commission, published by The Memphis Press-Scimitar. Describing the farm community that "ought to be," it says:

> Let us take a great circle of land . . .; a square or an irregularly shaped tract, not too narrow, would do as well. Divide this into pieces as you would a pie, except that you reserve a tract at the heart for common purposes. . . . Each of these "slices" represents the homestead of a farm family. His house lies somewhere toward the center of the tract. Near it are his garden, his small crops, his chickens, his hogs, or whatever little side crop he might care to raise.
>
> The outer portion of his land would be clear of buildings. Here he would raise his major crop. Thus the major-crop land of all small farmers would lie together. This would permit the efficient coöperative use of all existing labor-saving machinery, such as an airplane cotton duster.

The inclination of administration officials to shy away from a program of either individual farms or production coöperatives comes from the central fact in our present economic system, the private ownership of land. Four years ago, when cotton was selling at six cents a pound, land in the South might have been had almost for the asking. But with cotton at twelve cents a pound, land values are beginning to rise. If the administration were ordered by Congress to embark on a wholesale land-purchasing program, it is probable that values would go through the roof.

In part, this obstacle could be overcome by letting the administration proceed slowly and secretly in its land purchases. Then, if it still found itself compelled to pay uneconomic prices, it could absorb part of the cost itself, and turn over the land to tenants on terms that would not involve fatally heavy annuity payments. However, this plan might cause inordinate delays in the carrying out of the program, and, if the government was forced to take large losses on its land purchases, there would be sure to be a loud outcry from urban taxpayers.

The alternative is to attack the present system of nearly absolute property rights in land, and to give the government, by constitutional amendment or otherwise, the power to acquire land for socially approved purposes at a "just" value that will exclude monopoly profits. This is the straightforward way to attack the farm-tenancy issue. In their present mood, however, administration officials will not adopt it unless they are forced to.

The present desire of the administration seems to be to proceed along the lines followed during the last year by the Resettlement Administration. Where good land can be bought cheaply, it will be purchased and redistributed to tenants who show special energy and aptitude. In a locality where a strong union local or coöperative already exists, tenants will be permitted, although possibly not encouraged, to hold the land collectively. However, particularly in the case of Southern sharecroppers, the chief part of whatever funds Congress makes available will be devoted to small loans to enable individuals to raise themselves to the status of share tenants, or, if they are already share tenants, to that of cash or standing tenants. An effort will also be made to encourage state governments to reform and liberalize their laws affecting tenancy. Such a program is admirable, but under it this country will be a long time solving the problem of rural land ownership.

Washington. T. R. B.

Other People's Money

Adventures in Investment Trusts, Continued—Mr. David Milton's Miracles—No Cure Short of Killing the Doctor

LAST WEEK I tried to describe that instructive chapter in finance carried forward by Mr. Louis H. Seagrave in the formation of United Founders' Corporation, an investment trust—almost, as a matter of fact, *the* investment trust, correct, sanctified, blessed by the names of distinguished directors among its subsidiaries. But the depression hit Mr. Seagrave's United Founders, and stockholders who paid $60 a share for some of the shares found themselves holding bits of paper worth $1.06 when Mr. Hoover turned things over to Mr. Roosevelt.

The next chapter in this strange, eventful history has to do with the Equity Corporation and Mr. David M. Milton, son-in-law of John D. Rockefeller Jr. Mr. David Schenker, counsel of the SEC investigating Mr. Milton's miracles, has dubbed him "the Van Sweringen brothers of the investment trust."

It is a little difficult to describe what Mr. Milton did, as revealed by Mr. Schenker, without the use of charts. There was an investment trust known as the Equity Corporation. Mr. Milton wanted to get control of this. He wanted to do it, as a true financier might be expected to do, with the smallest expenditure of money. The Equity had outstanding 1,700,000 shares. Now keep your eye on Mr. Milton at work.

He and a friend had $41,000 and 19,000 shares of a small company called the American Colony Insurance Company.

They then bought control of an investment trust called Consolidated Funds. They paid for the control with the $41,000 cash and the 19,000 shares of American Colony Insurance Company. Now you see they have in their hands Consolidated Funds. What does this give them?

Well, Consolidated Funds controls the Oceanic Insurance Company.

The Oceanic Insurance Company held a fourth interest in the Equity Corporation. This gave them a pretty good inside position in Equity.

Now watch the next step. Equity owned another investment trust called Interstate Equities Corporation. And it had some money. Now Mr. Milton controlled a corporation called Underwriters' Equities. This is getting complicated. But remember that these gentlemen do not do business in a simple manner. Therefore at this point you had better reread the steps already taken. For now the plot thickens.

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Underwriters' Equities (controlled by Milton) sold blocks of insurance stocks that it had to Interstate Equities for $900,000. Interstate Equities belonged to Equity Corporation. So now Mr. Milton had control of $900,000 in cash which had come from Equity Corporation, because Equity owned Interstate, which paid Milton this $900,000 for his insurance stocks.

Mr. Milton had the $900,000, which he got from Equity. And he now used this $900,000 to buy 1,500,000 shares of Equity stock, thus tilting the Equity Corporation into his bag. Mr. Milton now had Equity and, of course, control of all the funds Equity controlled.

This was in those troubled years when everything was falling apart and nothing so merrily as the investment trusts. In this period Mr. Milton used the Equity Corporation to go about picking up various remnants of investment trusts, buying them chiefly by issuing Equity Corporation shares and exchanging them for the shares or portfolios of the absorbed trusts.

One of the trusts he took over in this way was the United Founders, which Mr. Seagrave and others had formed as described last week in this department. The details of that we cannot examine here. But one incident is worth considering as another evidence of the kind of thing that is possible under our present disgraceful corporation laws. I say disgraceful, for they are a disgrace to our intelligence, to our civilization, to our sense of decency.

Seagrave and two others owned the Class-A stock of the United Founders, which was able to vote 4,500,000 shares and could, in practice, control the corporation. Seagrave and his partners had a contract that none was to dispose of his interest in the Class-A stock without the others' consent. Seagrave performed this operation:

He formed a corporation called Special Equities. Special Equities issued 100 shares. Then Seagrave transferred his contract to Special Equities for the 100 shares.

Next he transferred the 100 shares to General Equities—a corporation owned by Equity Corporation. He got 100,000 shares of General Equities common and 10,000 of General Equities Class-A stock.

Next he transferred the shares in General Equities to the Equity Corporation for $40,000 cash and 70,000 shares of United Founders stock, worth $1 a share. Thus for $110,000—$40,000 in cash and $70,000 in stock—Mr. Milton got control of Seagrave's contract, which enabled him to vote a third, and in fact a controlling interest, in United Founders for $110,000.

Thereafter Equity acquired United Founders literally on its own terms and under circumstances which caused a great loss to the preferred stockholders.

To cap all the fantastic operations of Mr. Milton's adventure in the organization of Equity, that young gentleman then told the Commission what he thought ought to be done about investment trusts.

I suppose there are some trifling details of reform which can be carried out in the investment-trust field. But I venture the suggestion that as long as investment trusts can act as holding companies and be controlled in turn by holding companies, enacting laws to reform investment trusts is just so much waste of legislative time and the paper on which the laws are printed.

JOHN T. FLYNN.

East River Hamlet: I

THE PLAY "Winterset" is something the movies could have done with drive and building suspense. For in spite of the fortuitous tie-up with the Sacco-Vanzetti case and the glad choir of previous acclaim, what we have here is little more than a sort of Hamlet of the gangster films—without a Hamlet, of course. But while the screen version has dignity and a deep production polish and while the cast is almost totally fine and handled with care and perception, the aspect of the direction which shows in the many parts and total unity is responsible all along the line for the slowing down and dispersal of intensity we feel generally. No great palpable flaw, but rather a consistent weakness in picayune matters that practically amounts to a method in itself.

So in the movie version we must get down to the humdrum catalogue of little things. In the first place, "Winterset" relies too completely on close-ups and medium group shots, and this is especially unfortunate when you see that the departments of lighting and make-up had few miracles to perform on Margo and Mr. Meredith—it's a fact that the facial peculiarities of Margo are so enlarged on the screen that there are times when she seems to float around like a hubbard squash in a nightmare. And in general there is too much the idea of faces dislocated from background.

More important than these things, there is the fact that the director leans toward the old, or stereopticon, school of taking shots, where each picture is a thing complete in its frame: you put it in the slot, look it over, replace it with another. For example, the total scene which has the prosecutor (close-up, speech); first witness (close-up, speech); judge, jury, etc.—to the number of ten such stiff close-ups. The only difference from a magic lantern show being that this isn't a magic lantern and consequently hasn't even the customary interval for readjustment provided by fussing with the slides.

Exactly the same thing goes for the assembling of trial briefs in the law class (I assume the effectiveness of this transition from the actual case to fifteen-years-after should be credited to the adaptation), and in a more diminished way to many of the things that follow. Look, for example, at the foolish literalness of the place where the halfwit, granted his asylum from the sleety black night outside under the pipes in the corner, holds up the camera while he crawls under and beds down in instant sleep, and then releases it for the next speech in the main action. The procedure there should have been to keep the camera far enough back to take in the whole room, the final frame including both main and minor in their proper relation.

And so the film loses almost as much in the way of squandered drama as it had gained in lopping off the original tangle of poetics. But both loss and gain lead to Maxwell Anderson, who is the big fellow here.

As to the original poetry of "Winterset," in straight exposition or dialogue it is all right, workable blank verse without much flash. But straight humdrum galls it and it must soar; "There's too much black whirling inside me," etc. Written on paper, a line like "A white chalice holding fire, a flower in flame, this is your face" would make a publisher's reader blush; in the mouth of a young hobo

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under Brooklyn Bridge it goes beyond pink poesy to absurd characterization. A road-boy "of seventeen or so" makes an entrance with "Yeah, but—I heard something changed my mind," and is caught seven lines later in this: "the beautiful mackerel fish that swim in the beautiful sea. . . . Aristedes Marinos was his lovely name. . . . Made the pea-green Pacific ring with his bastard Greek chanties." And Miriamne of the slums: "I will take my hands and weave them to a little house and there you shall keep a dream." And what, in this current lowbrow world, is all this talk of pismires and carrion and spawn, of I fear me's and I would fain look back's, of Nay it avails nothing's, perjured tales and lies that slew him, of written scrolls, figured veils, raveled tapestries? Add: "This earth came tumbling down from chaos, fire and rock, and bred up worms, blind worms" (by which, whether Anderson approves or not, was meant "snakes" centuries ago where he got it—Tim. IV, iii, 182; Mac. III, iv, 29; etc.). Add: "There was murder in your sire." Sire! La sir, go to with your nanny-catching. More than a labored anachronism of word, there is the metaphor betraying an uncurrent attitude toward common things: "Push aside the weights and throw the beam"—"Publish it in the streets"—"Shook not one staple of the bolts that linked the doer to the deed." A raft of terms and half-lines might be traced directly to the literary source; but a larger thing is the constant feeling that modern sense and situation are being warped to fit the superficials of a "higher" but outgrown writing pitch. Go back over "Hamlet," "Othello," "Macbeth" and then read listening: "Now let the night conspire with the sperm of hell! It's plain beyond denial"—"Yet caught so ripe red-handed"—"Though they should head and fester underneath"—"When a long life's been dedicate to one end, to wrench the mind awry"—"Though his mouth cry out from the ground."

Judgment of Anderson on his worst points alone is unfair. There is fire in his play, and the fact that it is often bright should not be altogether hidden by the way it is invariably (except at the last) smudged next minute with a bucket of slops. But Anderson seems to be deviled with a florid ambition, lost in a muddle of the techniques by which it might be realized. At present it isn't so much that half-digested borrowing must signify the poor poet, as that it must always be a thin broth of poetry that has to get its color from the outer turns of phrase and habits of speech-rhythm that now—having served honorably the sturdy familiar use of their past time—are nothing more than the quaint bric-a-brac of literary antique shoppes.

Add to the false-Shakespeare such traits as the confusion of strong words with power ("glauming over you with their rotten hands. . . . putrescent bones without eyes. . . . I'm all one liquid puke inside"), an elephant's playfulness ("a paucity of headpiece is a prime prerequisite") and mere slovenly writing ("Your lux-et-lex putrefaction of the right thing")—add and stir well for three acts and you may get a heartening revival of poetry in the theatre. But for the purpose of getting beauty from contemporary words and deeds, I suggest that the movies could very well go to Anderson for dramatic materials, that they would come just as near true poetry by simply plugging these for what they're worth, that if they want a line of borrowed blank verse to throw in, what's wrong with "The quick brown fox jumped over the lazy dog"? Otis Ferguson.

Painting and Venice

Venetian Painters, by Frank Jewett Mather Jr. New York: Henry Holt and Company. 525 pages. $5.

ONE SERIOUS shortcoming mars the quality of Professor Mather's book: the lack of drawing. If he were writing on the Roman and Florentine painters, we might mean by "drawing" some exact registration of all the forms, important or not. But we are dealing with the Venetians. Titian made light of color and said that a picture's merit lay in its sound and learned drawing, by which he meant the emphatic rendering of the greater and more important forms.

It is in this sense exactly that our volume falls short. The treatise in almost every case turns and doubles back and forth, lacks clear junctures and progressions, and tends to scatter its interpretations, adjectives and facts without economy, emphasis or skeleton. There is a strong impression of lectures not yet sufficiently focused or revised for a book.

This is curious, for we might easily imagine that so much ardor, understanding and range of knowledge would force the writer into a more distinct structure and arrangement. I suppose another way to put it would be to say that Professor Mather's content never arrives at any force that would make his effort creative—emphatic and tangible in its own vigor, instead of being worded and worded. We may call again on the Venetians. With them style was not regarded as a thing in itself but only as a by-product of a function; style was, shall we say, an expressive act. Under this conception, so persistent among the Venetian painters, a phrase, a gesture, a "serpertinated" figure, as Michelangelo would say, is not taken as this, that or the other—grand, graceful, elegant, what you will—in the abstract. It is merely a sign by which we read back to what Leonardo called the "passion" that gave the form. Some of Professor Mather's handsomest passages would gain a great deal by a change in order, as the whole discussion might gain by rearrangement. What might be cogent is often too scattered for the right single effect. At times we have only lecture-room mannerism spreading along, till we are reminded of Congreve's character—"like an old maid at a wedding, I don't know what I say."

All this needs to be said, since because of it so rich and most rewarding a volume as the "Venetian Painters" will prove tedious for a good many readers. As for me I feel nothing tedious, but read with zest and golden recognition. I only resent the useless and rather confusing effort of organizing for myself what should stamp its own design on my mind, and leave me free for the absorbing approach and attention such matter deserves and excites.

The subject of Venetian painting has many sides for many minds. The republic lasting a thousand years, the tardy flowering of its art after the decline, however imperceptible, was well under way. The cosmopolitan nature of Venetian civilization, the individual freedom, and the lack of violence in her artists. The relation of the Venetian of every class to the State, the independence that Venice maintained toward papal rule, and the qualities of Venetian religious painting. The foreign relations of Venice, her famous diplomacy, and the vogue of her painters among the

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princes of Europe. Venice's lack of any literary fame, alongside the fact that for more than a century after the establishment of printing she led all Europe in book publishing, and her great painters embodied to the full the literary fashions of their day. We may consider too this sea-girt city and its position at the source of European landscape painting. And we may remember its pastoralism. The pastoralism of the Venetian mood, however reinforced by the classical revivals of the early sixteenth century, was natural and deep.

The part played by music in the Venetian's life is evident in his art. It is not only in the visible details, those viols, harps, clarionettes, tambourines, singing figures, quartettes, playing angels and so on; nor in the universal turn for some sort of instrument—merely among the painters we know that Titian, for example, Giorgione, Tintoretto, Perdonone, Veronese, loved music and could play. As Professor Mather says most admirably, all these items are symptomatic and significant, but the Venetian background in music is constantly felt in more subtle and basic ways—in the controlled and harmonious color; in the search for a complete and fluent pictorial unity that avoids isolated features; in the desire for a certain melodic wholeness of mood; and in the fact that, despite the threadbare usage of the term, Venetian painting was "orchestrated" in a very special sense and consciously so.

To my mind one of the most interesting sides to Venetian painting is what I might describe as, in combination, its relation to the daily world about us, to revolutions, and to philosophic thought. You find in Venice none of those intense communes elsewhere contemporary in Italy; nor are there spiritual or intellectual revolutions, nor profound social rhythms, movements, fads. In painting there is nobody sitting down to meditate first principles as did Giotto, Massaccio, Leonardo da Vinci, for example, or Michelangelo or Piero della Francesca. A prolonged stay among the greatest Venetian pictures will sometimes leave you with a longing for certain qualities that came from just such an approach to life and thought as those men in Central or Northern Italy exhibit. How much and in what way such artists as Tintoretto or Titian suffer by such a comparison is a question not easily settled, very often it is quite profitless to dwell on. A very suggestive side-issue is that mannerisms, and schools of mannerists, never found much home in Venice. The harmonious prose, world-sense and rich living in the Venetian nature, along with a sensuous enjoyment, an innate pageantry and a certain grave pride, hold fast in Venetian art. And it is through following this theme that Professor Mather is able to say, indisputably, I think, that Titian is the most Greek, in the Phidian sense, of all the painters of Italy.

The treatment of the artists of minor importance is admirable throughout this history. The Giorgione would gain by more drawing on such poets as Spenser, in order to bring closer this special idyllism, and to supply in English one of those literary parallels and sources for the *poésia* in which Giorgione excelled. The Tintoretto demands more heightening, as it were, in the critic's exercise of judgment, technical eye and imagination. The long treatise on Titian is the best portion of the book—a broad, accurate and noble account.

STARK YOUNG.

The Bandwagon

We feel the workers are not interested in this strike. It is being carried on by outside influence entirely. Most of our Filipino workers are leaving but we are importing workers from other parts of California.—*From a statement by C. H. Hutchison, spokesman for the employers in a strike of celery workers, quoted in The Stockton, Calif., Record.*

. . . The writer feels that measures should be taken by all persons interested in securing proper return on capital invested to bring about the change necessary to include income taxes in costs which can subsequently be passed on to the consumer in the selling price. This will aid management in providing adequate earnings from which to pay a reasonable dividend to the investor and at the same time accumulate the surpluses which are needed to make business more nearly economically sound under all manner of conditions. . . . If this tax [income tax] could be passed on to the consumer so that corporations would be relieved of it, earnings would be that much increased in the future.—*From an article by George M. Arisman, controller of the Armstrong Cork Company, in The National Association of Cost Accountants' Bulletin.*

Ailing Pope Issues Appeal for Peace.
Pontiff Urges Fight to a Finish on Reds.—Two parts of the same headline in The New York Sun.

NURNBERG, Germany, Dec. 26.—Nazi Germany's No. 1 Jew-baiter, Julius Streicher, editor of the violently anti-Semitic paper, Der Stürmer, gave a Christmas party for children yesterday, presenting each little guest with a picture book entitled, "The Devil Is the Jew."—*A. P. dispatch in The St. Louis Post-Dispatch.*

THE TRUTH-TELLER MALGRÉ LUI

I would ask the House . . . to remember that in this last week I have had but little time in which to compose a speech for delivery today, so I must tell what I have to tell truthfully, sincerely and plainly.—*Stanley Baldwin, in his speech in the House of Commons discussing the abdication of King Edward VIII.*

OUR FURRY FRIENDS DEPARTMENT

Speaking of pets, nothing is too good for Edgar Allan Woolf's dog Pico.

Not long ago the MGM writer built a home for the dog, a miniature sort of apartment-house with several small rooms.

Noticing that Pico seemed to suffer from the heat, Woolf called in a refrigeration engineer and had the dog-house air-conditioned.—*News item in The Los Angeles, Calif., Times.*

Every morning since the weather has turned cold a bull terrier wearing a mink coat is to be seen on Lake Shore Drive. Investigation discloses that his name is All-American Biff and that he belongs to Mrs. Edward O. Beatty, 1400 Lake Shore Drive. The coat was tailored for him by one of Chicago's leading furriers and given to him for a Christmas present last year.—*From The Chicago Daily Tribune.*

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A COMMUNICATION

The Meaning of the Andre Trial

Alea jacta est, says the Old Roman. The die is cast. As you will have seen from the press, I have been condemned to death. But this sentence has not disturbed my calm. On the contrary I have never been so much endowed with calm as now. For this sentence is in any event a miscarriage of justice and therefore it is my mission to make use of the few legal remedies remaining to me. I speak of legal remedies—not of clemency. I shall not petition for clemency because I do not ask for clemency but rather for my rights. As you see, I am maintaining my calm, which must not be confused, however, with resignation. Unfortunately I am unable to write you all the reasons which resulted in the sentence. This much is certain, however, that I shall fight for my freedom to my last breath. I have never feared death, I do not fear it today. Some people die in bed, others on the battlefield, and it takes but little philosophy to die with dignity. They have adjudicated my honor. Very well, millions of people regard me as a man of honor; that is the judgment which sustains me and that is the judgment which I accept. . . . I am in splendid condition. My nerves are completely under control and my appetite has not suffered in the slightest degree. On the contrary. And as far as sleep is concerned, I have no reason whatsoever for complaint. Dreamlessly and deeply I slumber away the time.

SIR: This letter Edgar Andre wrote to his wife on July 12, 1936, a few days after death sentence had been passed upon him by the Hamburg court. One would suppose that even the Nazis, who emphasize "German courage" so strongly, would respect the silent greatness of this man, who facing the executioner wrote this letter to his wife. They did not do so, however.

The Nazis played a horrible game with the life of this victim. One protest after another was sent to the German government by professors of Oxford University—such as G. D. H. Cole, Gordon Walker, H. G. Campbell, A. I. Carlisle—by Belgian professors of the Royal Academy—Dr. Ernst Claes, the president of the Law Faculty of the University at Brussels, Eugène Soudan, Senate President Emile Vinck, and even by the personal physician of King Edward, Lord Horder. The Nazis, through their traveling salesmen for *ersatz-champagne* concerns, now elevated to the rank of diplomats, made known to the world unofficially that there was every likelihood of a pardon. They let months pass by and when they believed that the world was no longer interested in the fate of Edgar Andre they beheaded him one morning and advised the world of this *fait accompli* with a few matter-of-fact sentences.

It is a well known fact that forty-eight hours before Andre's execution a member of the English lower house volunteered to the German Ambassador in London, von Ribbentrop, to name witnesses who could furnish proof that Andre not only did not shoot a human being, but that he did not even take an active part in the disturbance that resulted in the death of a Nazi. But the Nazis did not ask for justice: they wanted revenge only.

Even the judges of Hamburg who heard Andre's case could not after weeks of deliberations and hearings furnish proof that Andre was directly involved. Their judicial conscience should have told them that the question of murder did not even enter the case, since any civil conception of law defines murder as a deliberate and willful act. If any punishable act had been committed, manslaughter was the greatest possible charge.

But inasmuch as objective jurisprudence has been abolished in Germany, this fact was not taken into consideration. The order that Andre be condemned to death had been given, reasons for so doing had to be found after the fact.

I quote verbatim from the findings of the court: "Andre is absolutely responsible for the course of events. He knew that his men were equipped with . . . knives. He is undoubtedly the indirect culprit. Such an undertaking, therefore, could not be carried out without the knowledge and the consent of the responsible district leader. The defendant, therefore, must assume the entire responsibility. . . ."

Please reflect upon the meaning of this. This sentence really says that German courts in future may send any man to the scaffold who has ever belonged to an opposition party—a party that was declared lawful under the Weimar Constitution and entitled to send representatives to the Reichstag—without hearing evidence in the case, without witnesses, without any examination. This is because he must be held responsible for everything that the organization of which he is a part has allegedly undertaken.

Let us regard the foregoing in the light of an American example. The Civil Liberties Union arranges a demonstration against lynching. The supporters of lynching decide upon a counter-demonstration. (Similar circumstances marked the Andre case. The Communists arranged a demonstration and the Nazis decided upon a counter-action, in the course of which a Nazi was slain.) The supporters of lynching attack the Civil Liberties Union, the latter defend themselves, and one of the supporters of lynching is killed. In the proceedings that follow, Dr. Harry Ward or Roger Baldwin is condemned to death and electrocuted. I am firmly of the opinion that such a procedure is unthinkable to 99 percent of the American people. Furthermore, I do not believe that any American judge could be found who would be willing to pronounce such a sentence. This example shows us concretely what actually took place in Germany—and what may happen in Germany in the immediate future.

The sentence of Andre foreshadows the death sentence for Ernst Thaelmann. The Communist Party had a legal existence so long as the Weimar Constitution remained in force. It is of course incomprehensible to the civilized world that party leaders who by virtue of a constitution were lawfully entitled to function may have sentence passed upon them by virtue of a new constitution which robs them of previously acquired rights. But we must accept this as a fact in the present state of Nazi Germany.

Since there were clashes in the case of Social Democrats, Pacifists and Democrats, which resulted in casualties on both sides, the consequence is that every leading Social Democrat, pacifist and liberal must bear the responsibility for such clashes and is in danger of being made to expiate such occurrences with his life.

Not only Thaelmann is threatened, but also the Social

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Democrat Mierendorf and the leaders of Catholic and Protestant trade unions, who are interned in concentration camps. Yes, even people who played a part in the above-mentioned political movements and who still breathe the prison air known as German freedom, are daily, even hourly, in danger of the executioner's axe.

There is only one way to help them, namely, the incessant voice of public opinion in free democracies. The cases of Dimitrov and Ossietsky have shown that our fight is not hopeless if we wage it strongly and unremittingly. This appeal is directed to all. Help the victims of the Nazi system, irrespective of their political views, their belief, their race.

New York City. ERNST TOLLER.

CORRESPONDENCE

Catholicism and Politics

SIR: I have just finished reading Mr. Bliven's letter to the Pope [The New Republic, December 23]. As one who, without being a communicant, has the greatest respect and admiration for the Church, I wish I were able to dismiss the indictment he draws up, but I must admit that most of what he says about church politics seems perfectly just to me.

I cannot, however, agree entirely with Mr. Bliven when he insists that religion must not encroach upon the political sphere. The influence of true Catholic doctrine in the fields of politics and economics is, in my opinion, all to the good. What is really objectionable is the increasingly powerful influence of practical politics in the Catholic world. I suppose a certain measure of economic opportunism is to be expected in any institution, but when the most unregenerate sort of capitalistic selfishness is disseminated in periodicals and pamphlets under the guise of religious doctrine, then all good Catholics are constrained to share Mr. Bliven's anxiety for the future. And in case any one thinks I am seeing spooks, I would advise him to read some of the booklets that are sold in the churches. I am sure that the brochures of Edward Lodge Curran, to name only one, are as offensive to intelligent Catholics as to a non-Catholic like Mr. Bliven.

I cannot fully understand Mr. Bliven's objection to organized religion on the ground that it insists upon the right "to instill its doctrines into the minds of children too young to be capable of a dispassionate judgment." What Mr. Bliven really means is that children are not capable of the skepticism which will lead them to his own point of view. And if the objection is carried to its logical extreme, one is forced to conclude that no doctrine and no training, except a kind of rudimentary prudence, should be given to the child; let a number of ideas knock about in his head, and as he grows up, the right standards should emerge triumphant from the hodgepodge. I am not such a thoroughgoing liberal as to believe that such a course is either feasible or desirable.

It seems to me also that when you are talking about the hostility of the Church to communism, you have to get down to something a little more fundamental than the persecution of the Greek Church in Russia. Mr. Bliven must know that the philosophical bases of Catholicism and Marxism are as far apart as the poles, and that no amount of tolerant benevolence can bring them together. . . .

JOHN A. BOVEY JR.

Minneapolis, Minn.

Progressivism in Education

SIR: The situation at the University of Wisconsin illustrates the predicament in which liberals and progressives find themselves today. The Wisconsin progressives have a broad program of economic and political reforms. But they have never translated that program into its *educational* equivalents. That is, they have no convincing *philosophy* of education and social reconstruction. Hence, when they want to reconstruct the university, or the educational system of the state, they have to fall back on "a majority of the board of regents" and use what looks like arbitrary power, making themselves targets for criticism from all parts of the country.

Conservatives do not need a philosophy of education: the drift of institutions is enough for them. If they have to fire a professor, or even a president, they simply charge him with "insubordination," lop off his head, and go about their business. It's about time that progressives discovered that they stand on another footing. In the coming years, we shall have to carry through many reconstructions of our drifting institutions, schools above all. We must have a philosophy of educational and social reconstruction within the perspectives of which any specific change can be convincingly presented to "a candid world." Especially must progressives have a philosophy of educational reconstruction, for the last stand of all "old guards" will be made in the schools. Liberal gains made in the adult generation are always being lost, in our illiberal schools, where children and young people are being patterned to modes of mind long outlawed in the active world.

JOSEPH K. HART.

New York City.

From The New Republic Mail Bag

From the College Committee on Academic Freedom of the American Federation of Teachers comes a copy of their protest to Dean Luther Weigle of the Divinity School of Yale University over his refusal to meet with them concerning the Jerome Davis case.

A banquet in honor of Anna Louise Strong, who is returning from the Soviet Union and Spain, is announced to us by Edwin Rolfe. It will be at the Manhattan Opera House in New York City, January 13.

Lee Simonson sends us a copy of his letter to Holger Cahill, director of the WPA art project, expressing his admiration for the WPA Index of American Art. He believes that if "a way could be found to reproduce it accurately in full color and distribute it on a wide scale its influence on the cultural life of this country would be comparable to the influence of Diderot's encyclopedia on France of the eighteenth century and produce nothing less than a new age of enlightenment." Mr. Simonson asks if there is any chance of a congressional appropriation for this purpose.

Rabbi Robert S. Marcus of Jersey City, New Jersey, agrees to Henry Pratt Fairchild's proposal in our pages for a tourist boycott of Italy, but believes that one of Germany is even more important.

Meyer Kurz of New York City writes that in his opinion free competition sets retail prices to the best advantage of the consumer, and that intelligent buyers are no longer fooled by "loss leaders" but will buy them and nothing else in the shop.

What's on the Air?

Current problems will be discussed from the progressive point of view on the People's Lobby program. Saturday, January 8, 12:30 to 1:15 P.M., NBC-Red Network.

"Woman's Place in World Progress" will be the general topic of speakers in New York, Chicago, San Francisco, Paris, Stockholm, Prague, Geneva, London and Toronto on a program arranged by the National Council of Jewish Women. Monday, January 11, 4:30 to 5:30 P.M., NBC-Blue Network.

WPA talent will be used in a dramatization of Herman Melville's "Typee," presented by the Educational Radio Project of the United States Office of Education, Monday, January 11, 4 P.M., CBS.

Representative Maury Maverick of Texas comments on the opening of Congress in a talk, "Let Us Meet the Issues." Wednesday, January 13, 10:30 P.M., CBS.

Civil-service reform will be discussed from two angles on two networks on Thursday, January 14. First, Harry B. Mitchell, president of the Civil Service Commission, will speak on the relation of the Commission to government employees, over the Columbia Network at 6:15 P.M. Later in the evening, from 9:30 to 10:30 over the Blue Network of NBC, Secretary of the Interior Harold L. Ickes will lead a debate on civil-service-reform measures for America's Town Meeting of the Air.

All times given are Eastern Standard.

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BOOKS IN REVIEW

Ill Fares the Land

WHATEVER the approach to the study of the South's agricultural problem, the results are dismally and disturbingly the same. Here is an area, representing 40 percent of the farms of the nation, rich in natural and human resources, favored by climate and geography and, at the same time, the most backward and impoverished section of America—bound by tradition to a social pattern that resists change, and tied by inertia to an archaic system of agricultural exploitation.

The study by Dr. Raper[1] has the advantage of being a careful, thorough record of the social and economic experiences of rural white and Negro families in two adjoining cotton counties in the Georgia Black Belt. He had no point to prove and no arguments to support. A first study of the areas was made in 1927, but not published. In 1934 a fortunate circumstance made possible a second study of the same and additional families. Meanwhile, these two counties had felt the effects of the nationwide economic crisis: time had measured the ebb and flow of life across their political boundaries; deaths and births and migration had registered their changes in population. What Dr. Raper found in the crumbling structure of the plantation, the low and lowering planes of living in white and black households alike, the irretrievable and continuing soil erosion, the fading grandeur of once proud families, the impending status of tenancy for small struggling owners of the land, the hopeless future of the cotton tenants and croppers—all this gave to the book its disquieting name, "A Preface to Peasantry."

The study directed its attention to income levels, agricultural techniques, the tools and work animals used in production, housing, sanitation, and a complex of factors described as man-land relations. Dr. Raper tried to determine how much a man could earn in this system, and what he spent his earnings for; what constituted security, and how much was possible within the structure. These rural families were observed against the background of their social institutions, their schools, churches and social organizations.

Striking differences appear between the two counties and between the white and Negro families in both. Greene County represents the older and Macon County the newer black-belt areas. The former, an early cultural center, is marked today by dead towns, the monuments of once well known figures in the South. The latter county, more recently settled, caught the overflow of a period rampant in the exploitation of new lands. It is the new rural South. In both counties there is a high tenancy rate, amounting to as much as 90 percent for the Negroes. There is little distinction in the economic levels of the white and Negro workers who fall into the tenant class. The average annual earnings in Greene County in 1934 were $301.26 for white rural families and $150.74 for Negro families. In Macon County, with more white owners, the average was $872.21 for white families and $299.50 for Negro families. However, the vast majority had little cash money, although the farmers had to buy most of their food. Their dwellings were unattractive and uncomfortable. Their tools were of the crudest sort, and many of these tenant families had no tools at all. Slowly, but in a persistent trend, white and Negro owners were slipping back to tenancy. For the Negro landowners there was a very special problem. Land ownership was possible in theory but extremely difficult in practice. Although they were, in frequent instances, tenants on the best land, they could become landowners only in the poorer and less productive areas, and then only when there was conspicuous tolerance of their presence in a neighborhood. They required the intercession of some white friend. And if they did succeed in buying land, their chances of keeping it were greatly reduced by their lack of personal security.

The impoverishment of the tenant, his loss of hope and initiative, have given rise, in turn, to the familiar stereotype of thriftless improvidence. There could be no more vicious circle, for the landlord may justify any harsh measure of control over the tenants by pointing to their ignorance and unreliability, their lack of ambition. Moreover, dependence of tenants on landlords finds its parallel in the dependence of landlords upon the banks or insurance companies that hold mortgages on their plantations. When the New Deal reached these areas with its emergency farm loans, crop reductions and benefits, it could not overcome the traditional relationships. Although it provided a temporary support to the owner and to the weakening credit structure, it aided the tenants only meagerly, or not at all.

The area is a stronghold of fundamentalism. Crime is frequent. The schools in general, despite several outstanding exceptions, are poor, and the disparity in per-capita expenditures for the education of white and Negro children is represented in such ratios as seventeen or twenty-five to one.

The book is painstakingly documented with tables and graphs, after the manner of the sociologist, but these are relieved by intimate human-interest stories which frequently are more revealing than the tables. The descriptive subtitles which appear throughout introduce a journalistic touch at times incongruous with the sober tone of the text, but they are nevertheless effective as interpretation. What is perhaps the least developed section of the book is the one dealing with remedies. About three pages are devoted to discussion of the future. Dr. Raper seems to feel that for the rank and file of plantation workers there is little hope either in rejuvenation of the present plantation or in its total collapse. The economic hope of the plantation lies in mechanization, which means release of workers. He says merely that the reclamation of these areas awaits "a constructive land policy," and faith in the common man. To this extent the interpretation of what is a constructive land policy is left to the very people whose social and economic policies have so long kept the section in its present state of backwardness. Economic reorganization is inseparable from social reorganization, involving a revision of traditional racial policies which have made the section unique in the deep fervor of its conservatism and backwardness. Yet in spite of its refusal to suggest remedies, this is the most important book published in 1936 on what is now so obviously the South's most pressing problem.

CHARLES S. JOHNSON.

[1] A Preface to Peasantry, by Arthur Raper. Chapel Hill: The University of North Carolina Press. 436 pages. $3.50.

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The Sorrows of Lloyd George

War Memoirs of David Lloyd George: 1917-1918. Boston: Little, Brown and Company. 464 pages. $3.

MR. LLOYD GEORGE'S fifth volume carries his personal memories forward during the decisive years 1917-18. He discusses the peace proposals, especially those put forward with anxious urgency by Austria, the changing face of the War in consequence of the Russian revolutions, the beginning of the great German offensive, and American participation. Throughout his book there runs a persistent theme which is of first importance in the consideration of war waged by a democracy—the difficulty of bringing political and military considerations into harmony, of harnessing the political and the military mind to the same victorious chariot. Of the obdurate military mind he finds in Lord Haig an egregious example, while of the politician he is himself unconsciously a type, in his adoption of Peer Gynt's motto: "Go roundabout."

Mr. Lloyd George was early convinced of the necessity of the unity of the Allied command. It is plausible, as Lord Haig asserts, that he reached agreement on this point with M. Painlevé at Boulogne in September, 1917, though two months later he declared in the House of Commons that he was personally utterly opposed to the suggestion of a generalissimo. His plan was to create a Superior Allied Council at Versailles, and to place at the disposal of its representative a body of reserves drawn from the British, French and Italian armies. Obviously this latter plan would give to this representative the ultimate authority and direction of battle, and it was vigorously opposed by Haig and Pétain. Lloyd George had Foch in mind from the start, and he was right. Haig if dull was straightforward. He thought he and Pétain were getting along well enough without a tutor, and he cried out for Foch only when he feared that the French army would be drawn off to the defense of Paris, breaking connection with the British. His official biographer probably expresses Lord Haig's short-sighted vision when he remarks, "It would be difficult to point to any subsequent occasion during the next eight months when it [the unity of command] seriously affected the conduct of the War."

Mr. Lloyd George felt, as Lincoln did, the disadvantage at which the politician stands in relation to the general. "In war open detraction of the generals is deprecated—on the other hand, laudation, however extravagant, is encouraged. This method gives confidence to the army at the front and to the public at home. . . . This of necessity places statesmen at a considerable disadvantage in their dealings with the military chiefs." It was for this reason, Mr. Lloyd George intimates, that he could not remove Haig after the egregious failure at Passchendaele. It is surprising, however, to find him, before the crisis of 1918, as Lord Haig reports, offering "to make me generalissimo of *all* the British forces." When Haig deprecated a change in the face of an emergency, Lloyd George "agreed and said he 'ought to have made me generalissimo last September.'"

Mr. Lloyd George finds another example of the obdurate military mind in General John J. Pershing. As is well known, the chief issue between the American and the Allied high command was whether American battalions should be brigaded with the British and French for training, or held back for the organization of their own divisions and the creation of an American army. Into the merits of this controversy it is not necessary to enter at this date. For Mr. Lloyd George "the blunt truth was that in Pershing's view the building up of an American army took precedence of the utilization of these men to beat off the German offensive." He believes that President Wilson and Secretary Baker agreed to certain concessions which Pershing nullified in true military fashion. Wilson and Baker, however, were no mean politicians themselves, and while sympathizing with Lloyd George, always left a loophole for General Pershing's "discretion." Mr. Lloyd George himself, with his talent for ambiguity, made what Pershing understood to be a "positive declaration at the Abbeville Conference in favor of the formation and use of an American army as such."

For the American rank and file Mr. Lloyd George records a generous tribute. "The American soldiers were superb." For the organization behind them he has only wonder and contempt. It "was not worthy of the reputation which American business men have deservedly won for smartness, promptitude and efficiency." No guns, no tanks, almost no airplanes, came from America, and the service of supply was so badly managed that the troops fought on empty stomachs in the Argonne. If Mr. Lloyd George wants to know the answer he can find it in the reports of the committees of the Sixty-sixth Congress, which investigated the War Department's toleration of the profiteering activities of our high-spirited business men.

ROBERT MORSS LOVETT.

Action Story

Karl Marx: Man and Fighter, by Boris Nicolaievsky and Otto Maenchen-Helfen. Translated by Gwenda David and Eric Mosbacher. Philadelphia: J. B. Lippincott Company. 400 pages. $3.50.

FRANZ MEHRING alone has written an account of the life and thought of Karl Marx worthy of the subject, although his great book has the quality of intellectual analysis rather than biography. From the mine of information which was D. Riazanov, we have in English only a meager biographical sketch. The lives of Otto Ruehle and Edward Hallett Carr are easily dispensable—Ruehle tried to psychoanalyze Marx *in absentia,* and Carr imagined the time had about come to "debunk" the old "fanatic."

The latest biography is a spirited and graphic narrative full of action and incident. Boris Nicolaievsky and Otto Maenchen-Helfen share a sense of the dramatic. They wisely allow Marx and his contemporaries to speak a good deal for themselves. Generous quotations from letters, documents and police agents' reports contribute an atmosphere of reality. The book begins with a survey of the political situation in the Rhineland during the youth of Marx. His participation in the Revolution of 1848 and the subsequent disputes with other Communist leaders are pictured with a lavish display of historical detail, as is his leadership in the First International. There are revealing glimpses of the university activities of Marx, his family life, the lifelong friendship and collaboration with Friedrich Engels, and his martyrdom of poverty, illness and bereavement. All in all, it is a very readable and informative portrait.

However, it is unfortunately the portrait of a truncated personality. The authors felt that our embattled age calls for the story of the man in action, of the practical revolutionary strategist rather than the revolutionary economist, philosopher and critic. They construed far too narrowly the meaning of "action" and the contemporary interest in Marx. On the assumption that his doctrines are no longer at issue and his economic works no longer read, they have

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failed to discuss his intellectual development and scientific studies and contributions, except for a few inadequate and absent-minded strokes on the Young Hegelian period and the years immediately following it. Now it so happens that the revolutionary personality of Marx is reflected as much in the thinking, passion and invective of "Das Kapital," and in the very style of "The Communist Manifesto," as in his practical activity. One has to listen to him describing how "capital comes into the world soiled with mire, from top to toe, and oozing blood from every pore," denouncing "the civilized horrors of overwork," and proclaiming the essential dignity of man to appreciate in its fullness the character of this "man and fighter." Of course Marx fought in the revolutionary street, but he also broke many a lance on the ample battlefields of the British Museum, against Plato and Burke, against Bentham, Malthus, Senior and a host of other antagonists, dead and alive. Either picture is simply not complete without the other.

There is also in this book the disturbing suggestion of a halo around the head of Marx. The authors know too much not to admit that he had his faults, but somehow nearly all the people who crossed him in his numerous and bitter controversies emerge looking quite foolish, and exhibiting, by contrast, impure personal motives and feelings. Wilhelm Weitling was an ignorant and disappointed romantic, August von Willich insisted on tilting at revolutionary windmills and Michael Bakunin was a vainglorious intriguer. The treatment of Ferdinand Lassalle is particularly injudicious and summary. Here was a near-traitor of "consuming ambition" and "unbounded vanity," who, as Marx admitted after his untimely death, performed "the immortal service" of reawakening "the workers' movement in Germany after its fifteen years of slumber"! It is really unnecessary to treat the adversaries of Marx so lightly and himself so uncritically. After all, divinities make notoriously bad subjects for biography.

SOLOMON F. BLOOM.

Mr. Aiken's Second Wind

Time in the Rock: Preludes to Definition, by Conrad Aiken. New York: Charles Scribner's Sons. 150 pages. $2.50.

AN IMPORTANT if extra-critical fact about Mr. Aiken is the almost complete absence of serious attention, whether from readers or critics, with which his later poetry has been received. The readers simply have not bought the books; those who used to buy apparently thinking the memory of former admiration enough, or believing, perhaps, that the Pulitzer Prize had once again finished its victim off. The critics have been indifferent, ignorant, inattentive, preoccupied, and have dealt out kindly, and therefore irrelevant, praise for old times' sake. Many reviews have had about them that air of innocuous and mannerly illusion that flourishes in the records of class reunions. I cannot think of a more sickening consensus of unfounded opinion and hardly of a more revolting example of good will than the kindliness of inattention. The only explanation I can think of, and it is no excuse, is that most of Mr. Aiken's poems in recent years have been called "Preludes" and have been numbered without other title, that there have been a great many of them, and that most of them have appeared in blank verse. Further than that I can only believe that the poems have been merely scanned and never read—and the reviewers have come away, like the presumed reader, with the labor-saving notion that here was more of the same, the same old Aiken, older but no different, who wrote "The Pilgrimage of Festus" or even "The Charnel Rose": a kind of maudlin Priapus re-examining himself forever in a shrinking pool.

Actually, I think more than any other American poet, Mr. Aiken has exhibited organic growth, has matured his sensibility, has increased his scope and has developed a form capable of expressing or enacting his material at the most significant level appropriate to his peculiar, and profound, talent. He is one of the half-dozen living poets in English whose work consistently exhibits both a mastery of the relevant resources of poetic language and some approach to that mastery of the conceiving imagination which appears as unity of composition. Mr. Aiken's "Preludes" do not exhaust the resources of language, but they make a full use of the imaginative mode of language in which he works. This is the mode of soliloquy or monologue; it is the angel of bright consciousness, the imagining intelligence, addressing itself, declaring itself with infinite abundance at every turn of experience, and making, by the poetic process, idioms so fresh, so concrete or quotidian in detail, so apt to the felt instance, that the response is its own meaning, and the poem has hence an objective being. It is the mode of the consciousness heightened by self-dramatization, by concentration, by isolated intensifying development of the details of sensibility in association. There is no advantage of plot and play, no delivery or enactment of emotion by the conspiring forces of events brought home to a theme as the novelist or dramatist brings them. Here the stage is the consciousness itself; the action is immediate; here is what the consciousness can do at its utmost with, in each "Prelude," a given possibility taken as obsessive.

There is a continuity in Mr. Aiken's work, but a continuity of growth or deepening. Where the earlier long poems depended for their unity on Faust-like images of all experience, and were made as musical shells meant to give universal echoes, the "Preludes" explore precisely entertained possibilities of concrete experience. If the earlier poems presented musical formulations of the dilemma of the imagination that should or might know all and yet might be but its own dream, the "Preludes" present the actual predicaments of the enacting consciousness with the minimum resort to formula and the maximum approach to form. The "Preludes," cutting away ambition and grandiloquence and the omen of omniscience, are mature, limited versions of the earlier intentions.

This is to say that Mr. Aiken has got his second wind. Poets like runners early use up all the oxygen of experience possible to breathe in the course of effort. Most poets pant, lose all breath and stop; rest, and begin all over again. Second wind is when, by the recognition of necessity and an accompanying maintained intensity of effort, a process is found whereby the accumulated intimate energy of the body becomes available. For Mr. Aiken there was the overweening necessity to make actual in concretions of words as much as might be of the possible responses of his sensibility—not only the normal responses but also such other, possible responses as the intensity of effort brought out. And the energy which that necessity made available is the literally inexhaustible energy, under the imaginative process, of the body's store of observation, perception, feeling and insight as it flows into bright consciousness. Thus the imagination is stretched, the sensibility enriched and the actuality of experience deepened—as the reader who has enough second wind of his own to bear the actuality can easily find out.

R. P. BLACKMUR.

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Allegiance to the Gag

Enjoyment of Laughter, by Max Eastman. New York: Simon and Schuster. 385 pages. $3.75.

FOR YEARS Max Eastman has been a traveling salesman of humor, carrying his sample cases from one lecture platform to another. His has been the serious business of explaining jokes—of exploring the physiology of laughter, the psychology of humor, the science of playfulness. Here, in his second book on the subject, he has attempted a praiseworthy thing: to increase our knowledge of what makes things funny without diminishing our capacity for fun. In the thick of references to Kant and Hobbes and of retorts upon Ludovici and Bergson, he provides us with the stale dialect of Josh Billings, the uneven wisecracks of Mark Twain, the reckless non-sequiturs of Ring Lardner, the sometimes successful drawings of Peter Arno and the sometimes inspired drawings of James Thurber. "Enjoyment of Laughter" is like having dinner to the accompaniment of a lecture (with slides showing the alimentary canal) by an authority on dietetics.

As for the strict sober science of laughter—though in principle I am all against lowbrow attitudes when intellectual ones are possible—I must confess that it bores me. Experiments involving children of four and children of seven, studious observations of the anthropoid apes, Ludovici with his derision theory (neatly assailed by Max Eastman), Bergson with his hostility theory (neatly derided by Max Beerbohm), the significance of tickling, the spirit of play and much else that has been treated in these pages, all leave me pretty cold. Laughing, to me, is something different from laughter. Laughing is a primary human function, like hunger; but laughter is a cultural manifestation, like gastronomy. Indeed it is one of the most highly developed forms of sensibility at the disposal of mankind and, so far from speaking a universal language, it speaks a relatively very special one. Tell-me-what-jokes-you-like is surely as good a way of identifying you as what company you keep or what books you read. But because laughter, like any other form of appreciation, is founded more on sensibility and taste than on pure intelligence, the most interesting side of wit and humor, like that of poetry or music, lies not in the idea but in the handling of the idea, not in the substance but in the form. The science of laughter is only quantitative, telling us through what impulses, and in what frame of mind, we come to laugh; it is the art of laughter which can set up a body of criticism concerning what is funny, and just how funny it is, and—if we want to be a little priggish about it—just how funny it should be.

Mr. Eastman says many shrewd and suggestive things in this book, though I think that like all theorists, however empirical their methods, he falls short of, shall we say, the true vision. And while he says more than enough for any one book, I hope he will some day get around to considering certain points he has ignored. As for the various psychological theories—derision, disappointment, hostility—I wish he had gone into what strikes me as their common denominator, namely, the relation between humor and vanity—vanity being at once the greatest enemy of humor and its greatest ally. I wish, too, he had gone more deeply into the racial aspect of humor. I don't just mean why Jews tell jokes at their own expense and the like, but that common fund of racial feeling and association which creates a bond among those who share it, a barrier for those who don't. As Virginia Woolf once said, in reading Homer we simply don't know where, if anywhere, to laugh; and who can forget the great Taine's reference to Dickens' Augustus Moddle: "Augustus, the gloomy maniac, makes us shudder." I wish, too, Mr. Eastman had said something about humor in music, and about the grisly humor of men ready to mount the scaffold, and about the often startling humor of deranged minds—which confronts us with a natural surrealism often unlike contrived surrealism and Dada. I wish finally that Mr. Eastman had seen that great laughter has nothing to do with most of the gags that enliven his book, hence nothing to do with the man in the street who is lapping up those gags and making "Enjoyment of Laughter" into a best seller. No thoroughly qualitative book about the comic will so all at once become, like Mr. Eastman's book, a best seller. That is my most serious —and consciously snobbish—indictment of it.

LOUIS KRONENBERGER.

Genetics or Eugenics

Biology and Human Behavior, by Mark Graubard. New York: Tomorrow Publishers. 413 pages. $2.50.

Human Genetics and Its Social Import, by S. J. Holmes. New York: McGraw-Hill Publishing Company. 422 pages. $3.50.

DR. MARK GRAUBARD, in a first, rather slight volume on "Genetics and the Social Order," indicated some of the ways in which a powerful new science can be applied to a constructive and non-invidious understanding of many human problems. In his present, more ambitious book, he returns to the attack on all forms of race chauvinism masquerading in the name of science. Six of the nine closely written chapters constitute a summary review of our present knowledge in regard to the animal and its environment; physiology, neuro-muscular and cellular phenomena; various types of animal behavior and—of major importance—heredity and genetics. Of the remaining three chapters one, on scientific method, stumbles a little through oversimplification, and betrays a fundamental confusion in the author's mind as to which comes first, biology or society. But in the two final chapters, in which the old questions of "human nature," "race," "nature versus nurture" and human behavior are dealt with, this confusion is resolved in a vigorous yet dignified condemnation of those subtle "superiority complexes" which claim the support of "biological" proof; and of that distorted class eugenics which has followed a doubly serpentine course from its patrician founder, Sir Francis Galton, to its most outstanding plebeian advocate, Adolf Hitler.

Literally at the opposite pole in attitude and interpretation of virtually the same kind of material is the new monograph by S. J. Holmes, author of "The Eugenic Predicament." For Dr. Holmes the dangerous generalization of Herbert Spencer—that sociology must rest on biological foundations—has been carried to a degree that must inevitably vitiate the greater part of his conclusions. Is it not, for example, highly improper for a trained zoölogist to speak of "the larger loyalty to race"—and that in a context which views with alarm the imminent "danger" of the conquest of white civilization by the prolific peoples of Africa and Asia? Can an honest reader of this professedly "objective" study of racial and group differences (in which considerable reliance is placed upon the now sharply questioned technique of the intelligence test) avoid gagging at the statement that "as a rule, crime records of southern Europeans have been high. . . . Records for homicide have been especially high for southern Italians, Mexicans and Negroes." Whatever truth there is in such data is notori-

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ously more to the debit side of our social system than to the biological discredit of the stocks involved.

These two volumes bring into sharp focus one of the major issues confronting the scientific intelligence of our day: Shall biology advance under the discipline of a rigorously impersonal genetics for which the improvement of man cannot be dissociated from a deliberately planned improvement of the entire social framework? Or shall it recede under the sanctions imposed by a eugenics traditionally blind to everything but the appeal of a spurious and thoroughly discredited "race purity"? HAROLD WARD.

Fiction Notes

The Shipbuilders, by George Blake. Philadelphia: J. B. Lippincott Company. $2.50.

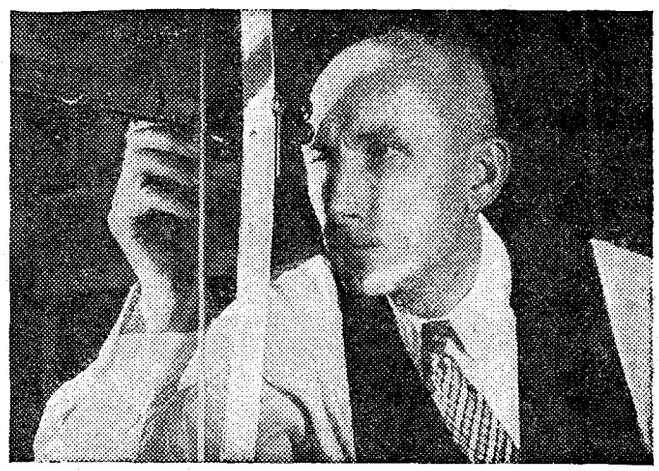
THE EFFECT of the closing of a Clyde shipbuilding firm in the depression is seen through the stories of Leslie Pagan, the principal owner, and Danny Shields, one of the workers. Since Mr. Blake is largely concerned with the domestic problems of both Pagan and Shields, and since Shields is in a rather special position because he had been Pagan's batman during the War, the book seems somewhat marginal. It is accurate enough as far as it goes, and in a way moving enough, but it is not representative of either the owners or the unemployed, and one is constantly sensing a deeper, truer story that Mr. Blake does not tell. This is interesting because the book was selected by the English Book Society and praised as few books, even in England, are praised. Without taking English reviews too seriously, one cannot help feeling that this is precisely the kind of novel of industrial tragedy that most critics want. When they praise the book for being so impartial and so very human, one suspects that they are rejoicing in the way it softens and obscures the details of economic breakdown. In the literary kingdoms of today, the one-eyed man is an artist, the man with two eyes a propagandist. G. H.

Unequal to Song, by Charles Martin. Harrisburg, Pa.: Stackpole Sons. $2.50.

Mr. Martin is a new writer, not without talent, but his story of a Cajin girl who has the devil's own time preserving her virginity and finally becomes a nun is anything but convincing. The author is at his best when he writes of the Cajins, of whom he is one, and he would have doubtless made a better book if he had not ventured beyond the borders of his own experience. His non-Cajin characters never come alive and his attempts to capture the ecstasies of a drunken musician are just so many paragraphs of words. It should be noted, parenthetically, that this is the third book about Cajins published in the past few months. Since the Cajins inhabit the southernmost edge of the South, right where the Mississippi flows into the Gulf, it would seem that the South has been fully explored. H. B.

Salavin, by Georges Duhamel. New York: G. P. Putnam's Sons. $2.75.

This translation includes four brief novels presenting four stages in the development of Salavin, according to the form set by "Jean Christophe" and "La Récherche du Temps Perdu." The first, a monologue, and the second, a diary, present the hero in his solitary psychological groping; the third and fourth show him against a human background with which he tries pathetically to integrate himself. His personal limitations force him to adopt the advice tendered



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to Queen Victoria by her laureate, to be "not great but good." This preoccupation with sainthood reminds one of another group of novels of which "Christian Wahnschaffe" is an example. These inevitable comparisons suggest the derivative character of M. Duhamel's work, but not the perfection of workmanship in construction and detail which justify it. R. M. L.

O. Henry Memorial Award Prize Stories of 1936, edited by Harry Hansen. New York: Doubleday, Doran and Company. $2.50.

Mr. Hansen and this year's judges (Nancy Hale plus two professors) gave the latest O. Henry award to James Gould Cozzens for his story "Total Stranger," but they might have given it just as easily to almost any other story in the collection. Which is another way of saying that there is little difference in merit between the kinds of material, as represented, whether Saturday Evening Post stuff (like Mr. Cozzens') or "quality"; in this collection, at least, the distinction seems pretty well blurred. This year's volume is interesting and competent and "professional," with only a faint seepage of the arty. Most of the stories have good characterizations, atmosphere and situations, there is occasionally some good prose (Paul Horgan's writing stands out especially), and in the main the book represents a higher level of craftsmanship than most volumes of its kind. But in almost all the stories something vital is lacking: it is as if these writers, sent to report the great American circus, were looking the other way when the lions and elephants came out—and the writers brought home neat descriptions of the lemonade and peanuts. H. T. M.

Contributors

THOMAS REED POWELL is Langdell Professor of Law in the Harvard Law School. He was formerly Ruggles Professor of Constitutional Law in Columbia University.

EVELYN MILLER CROWELL has been in charge of the editorial section of the Division of Press Intelligence for the United States government in Washington since the Division was founded in 1933.

PETER MONRO JACK has taught in various universities here and in England and has contributed to many book-reviewing journals.

JAMES DALY is the author of two books of verse, "The Guilty Sun" and "One Season Shattered."

ERNST TOLLER, author of many plays, including "Man and the Masses," and an autobiography, "I Was a German," is now in this country on a lecture trip.

CHARLES S. JOHNSON is director of the department of Social Sciences at Fisk University. For six years he was editor of Opportunity, a journal of Negro life, and his numerous books include "The Shadow of the Plantation" and "The Negro College Graduate."

SOLOMON F. BLOOM teaches Modern European History at Brooklyn College. He is engaged on a study of the attitude of Karl Marx toward the modern nation.

R. P. BLACKMUR, a former editor of The Hound and Horn, is the author of "The Double Agent," a book of essays. He edited a volume of Henry James's prefaces.

LOUIS KRONENBERGER edited "An Anthology of Light Verse" and "An Eighteenth Century Miscellany," and translated the Maxims of La Rochefoucauld, recently published by Stackpole Sons.

The initials signed to the brief reviews are those of Granville Hicks, Hamilton Basso, Robert Morss Lovett and Harry Thornton Moore.

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